

MURRAY CITY CORPORATION

EMPLOYEE PROGRAMS AND BENEFITS HANDBOOK

Employee's Name: _____

Department: _____

Thank you for being an employee of

“The Best City in America.”

**Daniel C. Snarr
Mayor**

This Handbook, Career Service and Civil Service Rules and Regulations are not intended to create any contractual rights in favor of you or the City. The City reserves the right to change the terms of the handbook or Career Service/Civil Service Rules and Regulations at any time, based upon the City's established approval process.

“Murray City. Wave at Your Neighbor City, USA”

TABLE OF CONTENTS

Welcome	I
Murray City Corporation	ii
Murray City Organizational Chart	iii
Table of Contents	iv
Equal Employment Opportunity and Anti-Harassment Policy	v
Workplace Violence	viii
Computer Use, E-mail and Internet Policy	xi
POLICY PROGRAM OVERVIEW	
Personnel System	1
Policies for all Employees	1
Attendance	2
Meal and Rest Periods Policy	2
Pay Days	2
Employee Classifications	2
Pay Grades	3
Performance Standard/Redline Bonus Program	3
Evaluation Date	3
Evaluations	3
Personnel File	3
Personnel Action Forms	4
Jury Duty	4
On-the-job Accidents/Workers Compensation	4
Career Service Policies	4
Probation	4
Promotion/Demotion/Transfer	4
Political Activity	5
Grievance and Appeal Procedure	5
Leave of Absence	7
Bereavement	7
Separations	7
Civil Service Policies	8
Probation	8
Promotions	8
Political Activity	8
Appeal Procedure	8
Leave of Absence	9
Bereavement	9

EMPLOYEE BENEFITS

Vacation	10
Sick Leave	10
Holidays	11
Medical, Dental, Life Insurance	11
Long Term Disability	11
Retirement	12
Social Security (FICA)	13
Unemployment	13
Cost of Living	13
Redline Bonus	13
Summary of Benefits	13
Deferred Compensation/Savings	14
Employee Assist Program	14
Tuition Assistance.....	14
Safety Awards/Incentive Programs	14
Health Fitness Incentive Program	14
Alternate Transportation Incentive Program	15
Employee Association	17

APPEAL PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

I Definitions	1
II Filing Complaints	1
III Investigation	2
IV Recommendations and Decisions	2
V Appeals.	3
VI Record Classification	4
VII Relation to other Laws	4

WELCOME TO MURRAY CITY

As you begin your employment with Murray City, the best City in America, we would like to welcome you to our organization and invite you to read and become familiar with the contents of this employee handbook. We hope that you find it full of helpful and valuable information about the policies, benefits, procedures, and opportunities available to guide and assist you in performing to the best of your abilities and developing and realizing your potential as one of our valued employees.

For the past 100+ years, Murray City has been a leading provider of municipal services. With your help, we are looking forward to continuing growth and prosperity as we find new and better ways to serve our customers' needs.

The policies, procedures, and programs outlined in this handbook are designed to serve as guidelines to keep you informed of relevant facts about your employment. While the policies and procedures outlined in this manual should give you answers to most of the general questions you might have about your job or the City's programs and procedures, it cannot cover every situation that might arise. If you have questions about these guidelines or need further information about any subject, please consult with your supervisor or the Human Resource Department.

We also welcome your suggestions for improvements either to policies or procedures covered in this handbook or in other job-related areas or subjects. Your ideas on ways to improve our operations and procedures are important to us, and, along with your effort and performance, are an ideal way to contribute to Murray City's future growth and your own development.

Please read this handbook carefully and retain it for future use. Try to familiarize yourself with its contents as soon as possible, because it should answer many of your initial and ongoing questions about your employment with Murray City. We want you to be fully informed and understand our policies and procedures completely.

Once again, we welcome you and wish you success as we turn to face the numerous challenges, opportunities, and potential rewards ahead.

Cordially,

Mayor and Murray City Municipal Council

MURRAY CITY CORPORATION

The town of Murray was incorporated as a city in 1902 by a majority of a total of 574 votes. The population of that year, estimated at much less than five thousand, has grown to a present population of over thirty thousand. . and with the increased population came a need for increased services. The number of city employees has grown from eleven in January 1903 to the present 390+ regular employees. A look in the payroll records of 1903 shows that city employees of that day were receiving an average of \$18.48 a month--the highest paid employee being the marshal, who earned \$75 a month.

Murray City operates under a council-mayor form of government consisting of a mayor and five council members.

The Mayor appoints department/division heads, with the advice and consent of the Council, for the City's various departments, giving them primary responsibility for operation of their respective departments/divisions.

Your department/division head may have assistants and/or supervisors working together to operate the department. You may personally be responsible to a supervisor, or a leadworker; and in smaller departments, you may be directly responsible to your department/division head.

MURRAY CITY ORGANIZATIONAL CHART

TABLE OF CONTENTS

Letter from the Elected City Officials.	I
Murray City Corporation	ii
Murray City Organizational Chart	iii
Table of Contents	iv
Equal Employment Opportunity and Anti-Harassment Policy.....	v
Workplace Violence.	viii
Computer Use Policy.....	xi
POLICY/PROGRAMS OVERVIEW.....	1
Personnel Systems in Murray.	1
Policies for All City Employees.	2
Attendance, Punctuality, Etc.; Meal and Rest Periods Policy; Pay Days; Pay Grades; Performance Standard and Red-Line Status; Evaluation Dates; Evaluations; Your Personnel File; Personnel Action Forms; Jury Duty; On-the-Job Accidents/Workers Compensation.	
Career Service Policies.	4
Probation; Promotion, Demotion, Transfer, Reclassification; Political Activity; Grievance and Appeal Procedure; Leave of Absence; Bereavement; Separations	
Civil Service Policies	8
Probation; Promotions; Political Activity; Appeal Procedure; Leave of Absence; Bereavement	
EMPLOYEE BENEFITS.....	10
Vacations; Sick Leave; Holidays; Insurance; Long Term Disability; Retirement; Social Security (FICA); Unemployment Benefits; Cost-of-Living Adjustments (COLA); Bonus for Red-Lined Employees; Summary of Benefits--Your “Hidden” Paycheck; Deferred Compensation; Employee ASSIST Program; Tuition Assistance; Safety Award Program; Health Fitness Program; Trip Reduction Program; Employee Association.	

**EQUAL EMPLOYMENT OPPORTUNITY
AND
ANTI-HARASSMENT POLICY**

POLICY: MURRAY CITY IS AN EQUAL OPPORTUNITY EMPLOYER

Discrimination is Prohibited: The City's policy, as well as federal and state laws, prohibit wrongful discrimination against any employee or applicant for employment on the basis of race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship. Wrongful discrimination includes harassment on the basis of these classifications as well as any kind of conduct related to these classifications that creates an intimidating, hostile or offensive work environment for any employee. Courts and/or government agencies may impose substantial damage awards, injunctions and attorneys' fees because of discriminatory acts. The City may impose serious disciplinary action, up to and including discharge.

Harassment is Prohibited: Federal and state laws and City policy prohibit the harassment of employees on the basis of race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship. An especially pressing and common concern involves sexual harassment. The City expressly prohibits all sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature which:

1. are explicitly or implicitly made a term or condition of employment,
2. affect employment decisions on the basis of the submission to or rejection of such conduct,
3. create an intimidating, hostile or offensive work environment, or
4. create an environment or climate which leads to extreme personal discomfort and/or loss of work efficiency because of language or conduct which is sexual in reference or character.

Definition of Harassment: Harassment is defined as unwelcome or unsolicited verbal or physical conduct based on race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship, that interferes with an employee's job performance, or that creates an intimidating, hostile or offensive work environment. An employer is responsible for its acts and may be responsible for the acts of its agents and supervisory employees. With respect to conduct between fellow employees, an employer may be liable for acts of harassment where the employer, its agents or supervisory employees know or should have known about the conduct, unless the employer can show that it took immediate and appropriate corrective action. An employer may also be held responsible for the acts of non-employees where the employer, its agents or supervisory employees, know or should have known of the conduct and failed to take appropriate corrective action. Liability for harassment is not imposed solely for harassment that occurs during an employee's worktime. Actionable harassment can also include any of the above stated behaviors when it occurs at City-sponsored social events and activities.

What Can Employees Do If Harassment Occurs?

Employees are encouraged to immediately and clearly let the person who has harassed them know that the behavior is unwelcome and they want it stopped.

Employees should report any harassment to any supervisor, Department/Division Head, Human Resource Director, City Attorney or Mayor.

To Prevent and Avoid Harassment Claims,

DO NOT:

5. Make, encourage or allow:
 - a. comments that unnecessarily infringe on personal privacy; or
 - b. “off-color,” sexist, or offensive jokes, slurs or comments; or
 - c. comments disparaging, criticizing or ridiculing a person or group on the basis of race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship.
6. Allow the display or distribution of derogatory or suggestive posters, cartoons, photographs, writings or other materials.
7. Engage in or allow inappropriate touching, hitting, pushing or other aggressive physical contact or threats to take such action.

Notice, Complaint and Investigation Procedures:

Employees to be informed - All employees shall be informed of the City’s policy of equal employment opportunity and anti-harassment and of the complaint and investigation procedure regarding claims related to the same.

Notice - A copy of this policy is included in the employee handbook and shall also be posted in a prominent place where it may be reviewed by employees.

Reports - Anyone who feels that he or she, or anyone else, has been wrongfully discriminated against or harassed should report such incidents to any one, or all of the following: the employee’s Supervisor, the employee’s Division Director, the employee’s Department Head, the City Attorney, the Human Resource Director, or the Mayor.

All complaints of violations of this policy (and all violations that are observed, but for which no complaint has been filed) will be investigated promptly. The person or persons who received the complaint shall notify the Human Resource Director and City Attorney to determine how the investigation should proceed. The confidentiality of persons reporting violations will be respected to the greatest extent practicable in conducting the investigation of such complaints. There shall be no retaliation taken against persons filing such complaints.

Personnel Acknowledgment Form:

Personnel Awareness - All personnel must be aware that the City will not tolerate harassment and that engaging in such conduct may be considered grounds for discipline and/or termination. Supervisors must

be instructed in detail about the City's policy and be instructed to report all complaints or observations of inappropriate behavior to the proper person. The City may be held liable for supervisors' actions. Employees might be sued as individuals and held personally liable for the harassment of any employee

Acknowledgment Form - All personnel are required to read and sign the Murray City Employee Handbook Acknowledgment Form, indicating that they have read and understand the City's policy prohibiting harassment.

GUIDELINES FOR ENFORCEMENT OF POLICY

To comply with the City's policy and laws prohibiting discrimination, management is responsible for ensuring that the City:

1. Will not discriminate on any "Help Wanted" notice or advertisement. All such ads should contain the phrase "An Equal Opportunity Employer." Such ads should not contain a reference to race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship (e.g., "young worker", "recent graduate" or "male clerk"). A copy of each employment ad must be retained for a period of one (1) year after it is used.
2. Will not discriminate on applications or pre-employment forms. Only approved application forms should be used. Applications from unsuccessful applicants should be retained for a period of one (1) year; other applications should be retained in employee personnel files.
3. Will not discriminate during screening or pre-employment interviews. (See guidelines below regarding proper and improper inquiries.)
4. Will not refuse to hire, promote, or train persons due to their race, color, age (40 and over), sex, pregnancy, gender, disability (unless there is a job related reason), genetic makeup, religion, national origin, ethnic background, military service or citizenship.
5. Regardless of employee gender, will pay equal wages for jobs requiring equal skill, effort and responsibility under similar working conditions.
6. Will not retaliate (i.e., take or encourage any adverse action whatsoever) against any person because he or she has filed a complaint of discrimination.
7. Will post such notices as prescribed by the Equal Employment Opportunity Commission and other authorities.
8. Will treat all people in a manner which does not discriminate on the basis of legally prohibited classifications in hiring, compensating, promoting, training, evaluating and all other terms or conditions of employment.
9. Will counsel and discipline in a manner which does not discriminate on the basis of legally prohibited classifications. Normal discipline not based on protected classification is not prohibited.
10. Will avoid harassment of employees and prevent harassment by co-employees.

MURRAY CITY WORKPLACE VIOLENCE POLICY

Murray City Corporation maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the City. It is the intent of the City and the departments/divisions to provide a workplace which is free from intimidation, threats, or violent acts.

Definitions

Workplace violence includes, but is not limited to, harassment, threats, physical attack, or property damage. A threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property which includes property owned by the City, employees, or others. For purpose of this policy “employee” shall include employees, volunteers, members of boards and commissions and elected officials.

Prevention of Workplace Violence

The City and the department/divisions subscribe to the concept of safe work environment and support the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy where-by incidents of violence can be reported without fear of reprisal.

Except as otherwise allowed by law, the Policy specifically prohibits firearms in all City owned buildings.

Reporting Threats - Internal and External

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the department/division head. Management will assess and investigate the incident and determine the appropriate action to be taken. Department/division heads will inform the Human Resources Department of all reported incidents of workplace violence.

In critical incidents in which serious threats or injury occurs, emergency responders such as Police, Fire, and/or ambulance must be immediately notified. As necessitated by the seriousness of the incident, the Human Resource Department may assemble a Threat Management Team that may consist of staff from Human Resources, Mayor’s Office, City Attorney, Fire, Police, ASSIST (employee assistance counselor) and other personnel as deemed necessary. The Threat Management Team is responsible for establishing the protocol in event of a threat or violent incident that may include, but is not limited to:

- * evaluating potential violence problems
- * assessing an employee's fitness for duty (through ASSIST, employee assistance program),
- * selecting intervention techniques,
- * establishing a plan for the protection of co-workers and other potential victims,
- * coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel,
- * referring victims to appropriate assistance and community service programs,
- * assuring that immediate (within 24 hours) and ongoing counseling is available to traumatized individuals.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subject to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

Prohibition Action and Sanctions

It is a violation of this policy and the disciplinary policy to engage in any act of workplace violence. Any employee who has been determined to be in violation will be subject to disciplinary action up to and including termination and depending upon the violent act, may be subject to criminal prosecution.

Department/Division Security Audit

On an annual basis or whenever the physical layout of the work space is significantly altered, the Department/Division head or designee will examine the escape routes of the work area and communicate any changes to all department/division employees. On an as needed basis the Department/Division head or designee may request a security audit from the Police Department to determine whether any security measures, such as panic alarms, are necessary and effective. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

Employee Training

The Department/Division Head, or his or her designee, will orient all new employees to department/division procedure regarding reporting incident of violence, what to do if the

employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence. Periodic training will be conducted through the Human Resource Department, as necessary.

ASSIST (Employee Assistance Program)

Should an employee or Department/office become the victim of an incident of workplace violence, the Department/Division Head shall offer the services of ASSIST to help in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did, in fact, commit the violent act, he/she shall be referred to ASSIST by the Department/Division Head. In these cases, failure by the employee to keep any appointments with ASSIST may result in disciplinary action.

Revised Oct. 20, 1997

Executive Order 97-01

POLICY for Use of Computers, E-Mail & Internet

Murray City Corporation

Original January 1, 1997

Revised January 5, 2005

SUBJECT: **Computer Use**

PURPOSE: This Computer Use Policy establishes policy and procedures to be used by all departments regarding the use of computer technology.

Data are an organizational resource. As such, it must be protected as much or more than any other asset or resource. The intent of having and using such data is to accomplish organizational goals. In regards to access to any computer system, software, data, or information on those systems, **there is no expectation of privacy.** The City reserves and intends to exercise the right to review, audit, intercept, access or disclose any system, data, messages, or mail on any City computer system for any City purpose. The goal of this policy is to be consistent with other City policies regarding protection of City assets and to promote their proper use.

The Department Head is responsible for overseeing employees and is responsible for disciplinary action if necessary. The Information Systems department acts in an oversight capacity to insure system procedures are enforced and adhered to.

1. All employees share in the responsibility to protect City computer resources from physical and environmental damage and are responsible for the correct operation, security, and maintenance of those computer resources.
2. All data, files, programs, application software, documents, E-mail, and any other electronic information stored on any computer system owned by the City are considered City property. This includes programs licensed by the City for its use. As City property, all data, files, programs, application software, documents, E-mail, etc., are subject to inspection for purposes of determining compliance with this and other City policies. Employees shall be required to disclose passwords or other security devices upon request of the Department Head, Director of MIS, City Attorney, or Mayor.
3. Software may be loaded onto City computers only if its use has been approved by the Information Systems Department and (1) it is licensed by the City, or (2) it is licensed to an employee of the City.
4. Software will not be copied from City computers for personal use without written approval from the Department Head and Director of Information Systems. Unauthorized

copying constitutes theft. If employees have questions about needing software copies to work at home, they should consult their supervisor. This software can usually be purchased on State of Utah contracts at a discount. If the City buys such software, it will be City property and must be surrendered to the City upon request or at the end of the use or job. However, even if the employee buys the software, all data remains the property of the City.

5. Computers are not to be used to play games. Any game programs found on any computer system will be deleted immediately and the incident reported to the Department or Division Head.
6. Routine backups of data files, programs, and E-mail that are stored on the central computer system and network file servers will occur as part of the systems administration activities performed by Information Systems.
7. Users are responsible for ensuring that backups are made of data files or programs that may be stored on their own computer systems.
8. Configurations of each work station will be determined first by Citywide policy and then departmental policy. Only within those parameters is personal preference to be exercised. Only Information Systems personnel are authorized to reconfigure systems hardware or software. If unauthorized alterations are found, Information Systems personnel will consult with the person(s) and/or the department using the system to determine a solution. If a mutually agreeable solution cannot be found, Information System will inform the Department Head and may take any appropriate action to restore the standard configuration to an operational status. Information Systems personnel may authorize others to install specific approved systems.
9. If unauthorized data or software is found, the Department Head will be notified in writing and opportunity given to rectify the problem (eg. - purchase of software, etc.). If reported unauthorized data or software problems persist and are not rectified within 90 days, the Information Systems Department may delete such unauthorized data or software from computer systems after notifying the Department Head and Chair of the MIS Steering Committee.
10. Computers or terminals should not be left unattended in a state which affords inappropriate access to records of the City or otherwise compromises security.
11. Individual computer profiles and passwords are initially provided by the Information Systems department at the request of Division or Department managers to employees to provide for appropriate access to accomplish job functions. Employees may change their own passwords by following a procedure specified by the Information System department. Each employee with computer access must obtain and use their own individual security profile and password.

12. Employees shall provide all passwords or encryption keys for all protected hardware, software, or documents, to the employee's supervisor prior to use. Employees shall notify their supervisors of their intent to use any other password or encryption to secure computer systems or documents, and explain how and why they intend to use it. Other passwords or data encryption methods may only be used for the purposes of securing information where the information is part of City business and such passwords or encryption is necessary to protect the information according to City requirements for confidentiality.
13. Profiles and passwords shall not be posted, disclosed, or shared among multiple people. Information Systems personnel may take any appropriate action to insure sufficient security for computer systems and data. Passwords may be disclosed to Information Systems personnel for Information Systems purposes.
14. Employees shall provide any passwords or other types of protection or encryption keys to their supervisor or City Attorney, (or designated representative), immediately on request for City business.
15. It is up to the employees' good judgment, good faith, and responsibility to police their own content of messages and other forms of electronic communication. E-mail, Internet or any form of electronic communication should not be harassing, libelous, threatening, abusive, foul, or obscene.
16. All disks, tapes, or data obtained from **outside** the City computers or networks must be checked for viruses BEFORE they are used in the office. This includes all data obtained by any means or from any source.
17. Unauthorized deletion of any information, data, programs, or software from any computer or computer media is a violation of this policy. Violation of this policy may result in personnel action up to and including termination.

Electronic Mail (E-mail) Use

The City has established the following policy with regard to access and disclosure of E-mail messages created, sent or received by City employees using the City's E-mail system.

The City intends to honor the policies set forth below, but reserves the right to change them at any time as may be required.

1. The City maintains an E-mail system. This E-mail system is provided by the City and its use is reserved solely for the conduct of business by the City and its authorized representatives. Incidental personal use of E-mail is permitted on a limited basis.
2. The E-mail system hardware and licensed software are City property. Additionally, all messages composed, sent, or received on the E-mail system are City properties. They are not the private property of any employee.

3. The E-mail system may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
4. The E-mail system may be used to promote City approved activities and fund-raisers such as the Employees Association, United Way, March of Dimes, Muscular Dystrophy, or other uses that may be approved by the Mayor.
5. The E-mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
6. The E-mail system shall not be used to unlawfully send (upload) or receive (download) copyrighted materials which include movies and music, trade secrets, proprietary financial information, or similar materials. It may be done lawfully if it is specified in the employees' job description or with prior authorization from the Department Head.
7. The City reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, sent, or received over the E-mail system for any purpose. The contents of E-mail properly obtained for legitimate business purposes, may be disclosed within the City without the permission of the employee.
8. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.
9. Notwithstanding the City's right to retrieve and read any E-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any E-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the City Attorney.
10. Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission.
11. E-mail (both internal and Internet) may be considered a public record and may be subject to public disclosure in accordance with applicable law.
12. Employees who discover a violation of this policy shall notify their supervisor, Department Head, City Attorney, or Director of Information Systems.
13. Any employee who violates this policy or uses the E-mail system for improper purposes shall be subject to discipline, up to and including discharge.

INTERNET USE

Access to the Internet and the use of Internet technologies have become a common means of conducting business. The openness of the Internet and the demands of employees to gain access to Internet resources emphasizes the need to establish guidelines, educate, and raise levels of awareness for all employees involved with Internet technologies. While much of the emphasis is placed on protecting the City or employee from negative impact of the misuse of the Internet, other important significance is placed on the effective use of the Internet so the City can achieve the benefits it desires and expects.

The primary purpose of Internet access is to support and enhance the information resources and communication capabilities of Murray City personnel, and the appropriate sharing of information with other Internet users.

1. Only personnel authorized by the Department Head may post official material on the Internet in behalf of the City.
2. Postings must not violate any trademark or copyright laws. Any trademarks or copyrighted works used in any City posted materials must be so noted to include proper credit to the holders of the trademark and copyright.
3. City Internet facilities are provided to conduct City business and job related activities. Incidental personal use of the Internet is permitted on a limited basis during breaks, lunch, or after hours. Use of the Internet for personal commercial gain is strictly prohibited.
4. Internet access may be provided on an as-needed basis to be determined by the Division or Department Head. Internet E-mail may be available to employees who have access to the Internet and are trained on the City's E-mail package.
5. Software shall not be uploaded or downloaded illegally. It is a serious federal crime, and includes all copyrighted materials, such as movies and music.
6. All downloaded files must be checked for viruses before use.
7. Services on the Internet must not be accessed illegally.
8. Employees must not access Internet sites with lewd, obscene, or sexually explicit material.
9. Any employee who violates this policy or uses the Internet for improper purposes shall be subject to discipline, up to and including discharge.

POLICY/PROGRAMS OVERVIEW

Personnel Systems in Murray

Murray City Municipal Code requires that Career and Civil Service employment and promotion in the City government shall be based on merit and fitness, free of personal and political considerations, and shall in no way be influenced by religion, creed, color, sex, national origin, disability, age or ancestry. The Career Service and Civil Service systems are programs set up to enforce that City policy to see that you, the City employee, are treated fairly and justly.

The Career Service includes all regular positions in the City, with these exceptions: (1) the six elected City officials; (2) department/division heads appointed by the Mayor; (3) staff to elected officials, administrative assistant to the Mayor; and (4) sworn Civil Service employees.

Part of the Career Service program is the Personnel Advisory Board (PAB). This is a board (appointed by the Mayor) that holds an open public meeting each month; the meeting notices and agenda are posted for three working days in advance on all City bulletin boards. Responsibilities of the PAB include; representing the public interest in improving Personnel administration in the city, advising the Human Resource Director and the Mayor on matters concerning Personnel administration and Career Service rules, and hearing and investigating appeals and grievances.

The **Civil Service** includes all of the employees in the Fire and Police Departments, both sworn and non-sworn positions.

The **Civil Service Commission (CSC)** is a three member commission appointed by the Mayor to assure compliance to Civil Service rules and regulations, to establish and maintain registers, and to recommend needed policy changes to the Mayor. The CSC holds an open public meeting on the second Monday of each month. Meeting agendas are posted twenty-four hours in advance.

Policies for all City Employees

The City reserves the right to change the terms of this handbook to include rules and regulations at any time based upon the established approval process. References in this handbook to various ordinances, statutes and official rules, policies, and regulations are intended for illustrative purposes only and are not intended to be a complete recitation of the entire text of the rule or policy in question. If you have any questions about any particular law or policy, you should obtain a copy of the law or policy in question for your complete review.

Attendance, Punctuality, Etc.

As a city employee you are expected to be on time for work, to give proper notice when you will be late due to unavoidable circumstances, and to have a good attendance record. Working hours, shift assignments, and special rules for work performance and attendance are determined for your department by your department head.

Rev. 06/2006

Meal and Rest Periods Policy

It is the policy of Murray City to provide rest and meal breaks during the course of each regular shift. The duration and timing of these breaks will depend upon the needs of the respective departments. Supervisors are responsible for scheduling breaks.

1. Each full-time regular workday shift shall include a half hour (½) or one (1) hour non-compensated meal period. This period is normally scheduled by supervisory designation to be between 11:00 a.m. and 2:00 p.m. for a regular 8 or 10 hour shift (but is not required to be provided by the City at any specific time). Before an employee may work through the designated meal period and be compensated, **it must be approved in advance** by their supervisor.
2. Employees may take a 15-minute compensated rest period during each four hour work period, as scheduled by their supervisor. If an employee chooses to not take a break, no additional compensation will be given.
3. Meal and rest periods shall not be adjusted or accumulated to accommodate a shorter work day. Any exceptions must be approved by the Department/Division Head.

Pay Days

Your work time will be recorded on a time sheet in your department; the time sheets must be signed by you and your department head and turned in by the last day of each pay period. Our payroll system is biweekly/every other Thursday, and for all employees hired after September 1, 1993, direct deposit to your checking/savings account is mandatory.

How to Report Improper Pay Deductions - “FLSA Safe-Harbor”

The City is committed to following the Department of Labor’s FLSA (Fair Labor Standards Act) laws governing payment of overtime/granting of comp-time hours, executing proper payroll deductions from employee paychecks, and appropriately classifying employees as either “exempt” or “non-exempt” to determine qualification for overtime payment. Employees are encouraged to contact the Human Resource Department immediately if they feel they have experienced improper payroll deductions or if they feel they have been incorrectly classified as either “exempt” or “non-exempt” from overtime/comp. time payment under FLSA.

Employee Classifications

The Human Resource Department is responsible for classifying all employees into one of four (4) categories for eligibility to receive certain benefits offered by Murray City. These categories are defined as:

1. Regular Full-time: An employee who is normally scheduled to work at least thirty (30) hours per week for fifty-two (52) weeks per year. (Full Benefit eligible)
2. Regular Part-time: An employee who is normally scheduled to work between twenty (20) and twenty-nine (29) hours per week for fifty-two (52) weeks per year. (Partial Benefit eligible)

3. Non-Benefitted Part Time - this employee is normally scheduled to work between ten (10) hours and twenty-seven (27) hours per week for up to fifty (50) weeks per year. (This is a Non-Career Service position and not eligible for benefits)
4. Temporary or Seasonal: An employee who is hired for a specific period of time and is not expected to establish a continuity of services. It is expected that most seasonal employees should not remain in temporary job status longer than 6 months, but in no event work for more than 1560 hours within any one calendar year. (Not eligible for benefits)

Pay Grades

Each full-time position in the city has been assigned a grade that corresponds to the type of work done and the skills and training required by the job. Your pay is determined by the grade assigned to the position you hold. Each grade appears on the city's uniform pay scale.

Merit Increase Performance Standard and Red-Line Status

If your Performance Pro evaluation score places you in the “fully successful” category, you will be eligible to receive an annual merit increase up to 110% of midpoint.

In order to go above 110% and up to the maximum of the range (red-lined), your rating score must be in the “high performer” category.

Individuals who advance to the end of the pay scale will enter **redline status**. This means that although their work will be evaluated on a yearly basis, they will not be eligible for additional merit raises.

Evaluation Dates

All full-time employees serve a probationary period before being appointed to a position on a regular basis. The date on which you successfully complete your initial probationary period becomes your **evaluation date**. You will be evaluated yearly on this date.

If you are promoted or transferred to a position in a different department, you will complete a six (6) month probation period, to include a performance evaluation. The completion date of the probationary period will now become your new annual performance evaluation date, with the following exception: if you are redlined, and after your promotion you are still redlined, you will have an evaluation after your six (6) month probationary period is completed, and then you will be evaluated six (6) months after that to be considered for a redline bonus.

Evaluations

Evaluations at the end of your probationary period and on your anniversary dates are given to insure quality performance in all city employees, to provide feedback concerning your work, to set work performance goals for the coming year, and to determine eligibility for merit raises. An unsatisfactory evaluation may be grounds for termination or for an extended probationary period.

Your Personnel File

The Human Resource Office keeps a confidential file which contains any employment information that concerns you. A record of promotions, commendations, evaluations, raises, etc., is kept in your file. If you change your address or phone number or need to make changes in your W-4, insurance, or retirement forms, please contact the Human Resource office right away. You have a right to see your own file or to authorize others to see it or to obtain information from it.

Personnel Action Forms

A **Notice of Personnel Action** is used to process new hires, promotions, pay increases, etc., and must be approved by the Mayor in order to be effective. You'll receive a copy of each form processed for you--keep that copy with this handbook or elsewhere for easy reference. The forms will show your current job grade and pay rate.

Jury Duty

See Section 2.62.210 of the Murray City Municipal Code.

On-the-Job Accidents/Workers Compensation

The City carries industrial accident insurance through the Workers Compensation Fund of Utah to cover certain injuries or illnesses resulting from your employment with the city. **If you receive an injury while on the job, report it to your supervisor or department head immediately** and complete an Employer's **First Report of Injury**. If your claim is approved your medical costs will be paid. Murray City will compensate all regular full time and part time employees for lost work days, as described in our detailed policy on workers compensation. Therefore, any monies you receive from The Workers Compensation Fund for lost working days must be turned in to the Human Resource office.

Career Service Policies

This section of your handbook will cover some of the basic policies for Career Service employees. The complete rules are contained in the **2.62 Personnel Code and Career Service Rules and Regulations** sections of your handbook.

Probation

As a new Career Service employee you will serve a six-month probationary period. This is the period of time for you to adapt to your new job and improve any weak areas in your performance. If your work is not satisfactory, at the discretion of the supervisor, you could be terminated any time during your probation by a written notice. At the end of the six-month probation your work will be evaluated; successful completion of this evaluation may qualify you for a merit increase, if you were hired at the beginning of the pay range. If you receive an unsatisfactory evaluation, your department head may recommend that you be placed on an extended probation for up to six more months; your department head may recommend regular appointment or dismissal at any time during the extended probationary period.

Promotion, Demotion, Transfer, Reclassification

All full-time openings in the Career Service are posted on city bulletin boards for five working days. Employees who desire to bid on an available opening must apply in writing at the Human Resource Office on an Application for Promotion within the five-day posting period.

All employees who bid on an open position must meet the minimum requirements of the position before their bids are considered. Career Service promotions are made based upon oral interviews, competitive testing and/or related education/work experience.

Rev. 11/99

Employees who are promoted shall be placed at 81% of mid point of the new grade or receive a 5% increase, whichever is greater. If the promotion changes the employee status from non exempt to exempt or if the new job classification is increased three (3) or more grades, the employee shall be placed at 81% of the mid point of the new grade or receive a 10% increase, whichever is greater.

Employees who bid on and are selected for a position of a lower grade shall move to the same percent of midpoint in the lower grade with the appropriate decrease in compensation. Employees who bid on and are selected for positions of the same grade shall stay at the same percent of midpoint within that grade.

The promoted or transferred employee shall complete a six (6) month probation period, to include a performance evaluation. The completion date of the probationary period will now become the employees new annual performance evaluation date.

At the satisfactory completion of the 6 month probationary period, the promoted or transferred employee may be eligible to receive a merit increase immediately based upon their job performance and where they are in the pay range.

Political Activity

See Section 2.62.060 of the Murray City Municipal Code.

Grievance and Appeal Procedure

Once you've completed your six-month probation, you have a right to a fair hearing to solve working problems and misunderstandings in the operation of the Career Service. It is important that Career Service policy be followed when making a grievance.

The office of the Human Resource Director is responsible to ensure that all parties to any appeal or grievance are protected according to this policy and that this policy is observed. The Human Resource Office may also assist the parties concerned at any time to clarify policy, recommend solutions, or assist in clearing up misunderstandings.

A grievance shall be defined as the written complaint of an employee to the related Department/Division Head concerning a working condition which has allegedly caused an injury, injustice, or wrong to the employee. All grievances must be made in writing on an approved form and must state clearly the reasons for the grievance, the people directly involved, and a desired solution to the problem. After exhaustion of administrative steps, all grievances shall be heard by the Personnel Advisory Board.

It shall be the policy of the City to adjust grievances of employees promptly and fairly, within the framework of existing laws and regulations. Every effort shall be made to adjust grievances in a

Rev 7/00

manner mutually satisfactory to employees and management. Employees who believe they have received inequitable treatment because of some condition of employment, may personally, or through their representative, appeal for relief from that condition. In any grievance not involving discharge or transfer, the following procedures shall be followed:

Step 1. The employee shall complete and submit the grievance form to the immediate supervisor and the Department/ Division Head within five (5) working days after the occurrence of the grievance. Within five (5) working days, after receiving the grievance, the Department/Division Head shall, after consultation with the related supervisor, invite the employee in to discuss the problem and render a decision.

If the grievance involves the Department/ Division Head, the employee may bypass Step 1 and go directly to Step 2.

Step 2. If no satisfactory agreement is reached after "Step 1", and it is necessary to carry the grievance further, the interested parties shall within five (5) working days, submit the grievance form and request, in writing, the assistance of the Human Resource Director, in policy clarification, and provide a recommendation to employee's department head within 20 days from receipt of the grievance.

Step 3. If no satisfactory agreement is reached after "Step 2" and it is necessary to carry the grievance further, the interested parties shall within five (5) working days, appeal the grievance, in writing, to the Personnel Advisory Board. The written grievance form shall be forwarded to the Human Resource Director who shall make arrangements for the grievance to be handled according to Section 6, of Article IV, of Career Service Rules and Regulations.

Step 4. Within twenty (20) calendar days after receipt of a written request for a hearing on appeal, in matters within its jurisdiction, the Personnel Advisory Board shall review the appeal, schedule and hold a hearing, and submit a decision in writing to the employee making the appeal.

Step 5. An aggrieved employee or the employee's Department Head may appeal the decision of the Personnel Advisory Board to the Mayor by filing written notice within five (5) working days following receipt of the decision. The Mayor shall, after review of the record, including the hearing before the Personnel Advisory Board, make a decision within 30 calendar days after receipt of the appeal. The Mayor's decision shall be final.

At each level of a grievance or appeal, employees may represent themselves or may be represented by one person of their own choosing.

In all cases where an employee is suspended for more than two (2) days without pay, discharged or transferred from one position to another for less remuneration for any reason, they have the right to appeal such action accordance with Section 10-3-1106, Utah Code Annotated, 1953.

All appeals involving suspension for more than two (2) days without pay, discharge or transfer to a position of less remuneration, shall be processed according to the following procedure:

- (a) The appeal shall be taken by filing a written notice of such appeal with the City Recorder within ten (10) days. Upon the filing of such appeal the City Recorder shall immediately refer a copy of the same to said Appeal Board. Upon receipt of the referral from the City Recorder, the Appeal Board shall immediately commence its investigation, take and receive evidence, and fully hear and determine the cause for such suspension, discharge or transfer or to the action taken by the appointed administrator.
- (b) The employee shall be entitled to appear in person and to be represented by counsel to examine the evidence to be considered by the Appeal Board.
- (c) A final action or order of the appeal board may be appealed to the state court of appeals, by filing with that court, a notice of appeal.

Refer to Article V, Murray City Career Service Rules and Regulations for complete details.

Leave of Absence

You may be granted leaves of absence without pay for periods not to exceed one year because of disability, personal, and for other reasons deemed justifiable in the opinion of the Department Head, Mayor, and Human Resource Director. Such leaves shall be granted only when service will not be adversely affected. Requests for such leaves must be made in writing.

Leaves of absence without pay for ten days or less may be granted by department head approval. Leaves for more than ten days must be submitted to the Mayor and Human Resource Director for final approval. Refer to Career Service Rules and Regulations for complete details. Please see Section 2.62.170 of the Murray City Municipal Code for full details.

Bereavement

All regular, full and part time employees will receive three (3) days of paid leave and time off for a death in the immediate family. The "immediate family" means the spouse, mother, father, brother, sister, daughter, son, step-children, step-parents, grandchildren, grandparents, mother- and father- in-law, sister- and brother-in-law, and daughter- and son-in-law. Please see Section 2.62.180 of the Murray City Municipal Code for full details.

Separations

Should you resign, you must give written notice ten (10) working days in advance. Give a copy to your department head and the Human Resource Office.

You may be demoted, suspended, or dismissed for violating the Career Service rules and regulations, neglecting your duty, disobeying a reasonable order from your supervisors, inefficiency or inability to satisfactorily perform your assigned duties, or for performing an act hostile to public service. Your department/division head must give you written reasons for your demotion, suspension, or dismissal.

Rev. 07/2004

Civil Service Policies

This section of your handbook covers some basic policies of the Civil Service System (police and fire). Complete rules and regulations are contained in the Civil Service Rules and Regulations booklet available from the Human Resource Office.

Probation

Civil Service employees serve a one-year probation or working test period for the purpose of training and effective adjustment to the job. If it is detected during your probation period that you are unable or unwilling to perform the duties of your job in a satisfactory manner, you may be terminated upon recommendation of your department head. You will be evaluated twice during your probation--first at the completion of six months of work and again at the end of another six months. Successful completion of these evaluations may qualify you for merit increases. Yearly evaluations conducted subsequent to successful completion of your probation may also qualify you for a merit increase.

Promotions

Promotions in the Civil Service system are made based on ascertained merit, seniority, and competitive examinations. Eligibility is determined by the Civil Service Commission and where applicable vacancies are filled by promotion from the next lower position in rank.

Notices of examinations for promotions are posted for at least thirty days in a prominent place in the department. If you want to apply for a position that is posted, you must apply in writing within the thirty-day period.

Political Activity

Please see Section 2.62.060 of the Murray City Municipal Code for full details.

Appeal Procedure

Appeals from Civil Service employees must be filed in writing with the Secretary of the Civil Service Commission within five days from the issuance of the order from which the appeal is taken. The written appeal may be an informal letter but must meet these requirements: (1) It must be addressed to the Civil Service Commission. (2) It must be signed by you. (3) It must include your department, rank, and grade. (4) It must contain a copy of the disciplinary order you are appealing.

The Civil Service Commission Secretary will deliver a copy of your appeal to your department head and to the Mayor. Within seven days, your department head will file with the CSC Secretary a **complaint** stating the grounds and reasons for the disciplinary order originally issued and serve a copy on you or your counsel.

Within **seven** days after service of the complaint, you must file a written **answer** to the complaint, stating admissions, denials, and affirmative matters you desire to set forth. This **answer** must be filed with the Civil Service Commission and your department head.

The **hearing** of your appeal will then be set at a time, place, and day fixed by the CSC. You may appear in person or be represented by a member of the Utah State Bar. After the completion of your hearing, the CSC will submit to your department head and to the Mayor its written findings of fact and decision to be enforced and followed by your department head.

Leave of Absence

You may be granted leaves of absence without pay for periods not to exceed one year because of disability, personal, and for other reasons deemed justifiable in the opinion of the Department Head, Mayor, and Human Resource Director. Such leaves shall be granted only when service will not be adversely affected. Requests for such leaves must be made in writing.

Leaves of absence without pay for ten days or less may be granted by department head approval. Leaves for more than ten days must be submitted to the Mayor, and Human Resource Director for final approval. Refer to Civil Service Rules and Regulations for complete details. Please see Section 2.62.170 of the Murray City Municipal Code for full details.

Bereavement

All regular, full and part time employees will receive three (3) days of paid leave and time off for a death in the immediate family. The “immediate family” means spouse, mother, father, brother, sister, daughter, son, step-children, step-parents, grandchildren, grandparents, mother- and father-in-law, sister- and brother-in-law, and daughter- and son-in-law. Please see Section 2.62.180 of the Murray City Municipal Code for full details.

EMPLOYEE BENEFITS

Vacations

Regular Full-time city employees are granted a paid vacation which accumulates at the rate of one working day per month of employment, or twelve days a year, for the first five years.

Vacation time starts adding up the day you're hired but **can't** be taken until after six months of probation.

After five years of continuous employment with the city, vacation time accumulates at the rate of 1.16 working days per month, or fourteen days a year.

After ten years of continuous employment with the city, vacation time accumulates at the rate of 1.41 working days per month, or seventeen days a year.

After fifteen years of continuous employment with the city, the rate of accumulation is 1.83 working days per month, or twenty-two days a year.

After twenty years of continuous employment with the city, vacation time accumulates at the rate of 2.083 working days per month, or twenty-five days a year.

Schedule your vacation well in advance with your department/ division head.

Resigning employees who give at **least ten (10) working days written notice** of their resignation and city employees who are terminated for cause are entitled to payment for vacation time accumulated but not yet taken, **providing they are not currently serving a probationary period.** For complete details, refer to Section 2.62.130 of the Murray City Municipal Code.

Sick Leave

Sick leave with pay starts accumulating for Regular Full-time employees from the day you're hired at the rate of one (1) working day per month for each regular employee. This amounts to twelve days a year.

Employees shall be paid every December, 25 percent of sick leave unused for the current year. The remaining 75 percent shall be added to the previous year's total. There is also the option to carry over hours, rather than receiving payment.

Employees who resign from the city will be paid for one-fourth of their unused sick leave accumulated since the previous December 1. Employees who are fired are not eligible for this benefit.

For sick leave in excess of three (3) consecutive working days, or in cases where abuse of sick leave is suspected, the department/division head can require the employee to furnish a signed doctor's excuse.

Rev 07/03

Sick leave is for personal illness or hospitalization only. A special exception may be granted for an employee to use sick leave to take care of a seriously ill or injured member of their immediate family. For complete details, refer to Section 2.62.150 of the Murray City Municipal Code.

Holidays

Each full-time regular Murray City employee will be granted a total of thirteen (13) paid holidays a year in accordance with this schedule:

New Year's Day	Martin Luther King Day
Washington's Birthday	Memorial Day
Independence Day	Pioneer Day
Labor Day	Veterans' Day
Thanksgiving Day	Day after Thanksgiving
Christmas Day	

In addition to these scheduled holidays, regular full-time employees are entitled to two (2) Floating Holidays which can be scheduled to meet your individual preferences or needs. These two days must be scheduled well in advance with your supervisors and must be approved by your department/division head.

Regular part time employees working between 20 and 29 hours per week are eligible to receive pro rated (4 hours) holiday pay. Floating holiday hours are not available to part time employees.

Medical, Dental, Life Insurance

Medical, dental and life insurance plans are available to eligible City employees through Public Employees Health Plans. Murray City pays approximately 85% of the total cost of insuring you and your dependents.

Effective Date: For new employees, the effective date of hire is the effective date of coverage.

Termination Date: For employees leaving Murray City, coverage will terminate at the end of the last day worked.

During our annual open enrollment period you have the option of changing coverage and adding dependents.

Long Term Disability Insurance

This Program is provided by Murray City to all regular full and part time employees. Benefits vary based upon the employee's base pay, hours worked and scheduled offset amounts. Employees enrolled in the Firefighters Retirement System have a separate long term disability program as part of that benefit system.

Rev. 07/2005

Eligible employees and their dependants will have their medical, dental, and life insurance premiums paid for by Murray City beginning three months after the employee's last day worked, for a period of two months, if the employee is approved for an LTD benefit.

After the two months Murray City paid premiums are completed, the employee can choose to keep their dental and life insurance by paying the full premium to PEHP.

PEHP will then take over and pay 90% of the medical premium for the first year of disability, 80% for the second year of disability, and 70% thereafter.

For more information, contact the Human Resource office.

Retirement

All regular full and part time employees are eligible for enrollment in the Utah State Retirement System. Employees who retire from city service will receive a monthly retirement benefit. Employees who leave city service before retirement may apply for a refund from the retirement system. Forms are available from the Utah State Retirement System.

The rate at which retirement contributions are paid is shown below:

Career Service employees:

Contributory Plan -

Employee contributes 0% of paycheck. City contributes a total of 15.79% which includes 2.21% 401(k) participation.

Non-Contributory Plan -

Employee contributes 0% of paycheck. City contributes a total of 15.79% which includes 4.20% 401(k) participation.

Public Safety employees:

Non Contributory Plan

**Employee contributes 0% of paycheck.
City contributes equivalent of 22.38%.**

Fire Department employees:

Employee contributes 0% of paycheck. City contributes a total of 13.84% which includes 3.00% 401(k) participation.

Detailed retirement brochures are available through the Human Resource Department.

Rev. 07/2006

Social Security (FICA)

As a city employee a full range of Social Security benefits are available to you. These include retirement benefits, a death benefit for your spouse and children under age 18 should you die before retirement age, and disability benefits if you are disabled and unable to work for twelve months or longer. The city matches your contribution of 7.65% of your gross income to the Social Security System for these benefits. Applicants offered employment with Murray City Corporation will be required to show their Social Security Card at the time of completing the W-4 form.

Unemployment Benefits

Unemployment insurance weekly benefits are available to you in the event that you have worked 19 weeks or more during the twelve-month period preceding layoff or termination from employment. It is your responsibility to contact the Utah Department of Workforce Services, 5735 S Redwood Road, or, 720 S 200 E, SLC, Utah, when filing for unemployment benefits. That office can also be contacted for a complete explanation of eligibility requirements and benefits. The costs for unemployment insurance benefits are paid in total by the city.

Cost-of-Living Adjustments (COLA)

The City has traditionally granted cost-of-living adjustments to all regular city employees. It is the intent that all eligible full and part time employees receive a cost of living increase as determined by the combined National Consumer Price Index (CPI) and the Wasatch Front Consumer Index.

Bonus Program For Redlined Employees

The City provides an incentive bonus program for all redlined full time employees. For complete details refer to Section 2.62.230 of the Murray City Municipal Code.

Summary of Benefits--Your "Hidden" Paycheck

The benefits described in this booklet don't show up in dollar amount on your paycheck . . . but they're a very important part of your total compensation. The percentages shown below are based on an average salary and show that a full time employee may receive up to 53.17% of his/her pay in fringe benefits.

FICA	7.65%
Industrial Accident Insurance	1.28
Health and Life Insurance	16.53
Retirement	15.31
Total Leave - Vacation, Holiday, Sick	12.40
TOTAL	53.17%

Rev. 07/2006

Along with the above listed benefits, city employees enjoy additional benefits such as free parking, unemployment insurance, and, in many cases, monthly uniform and tool allowances, on- and off-the-job training, tuition reimbursement, and employee assistance program.

Deferred Compensation/Savings Plans

Several optional deferred compensation/savings plans (401k or 457) are available at the employee's option. Contact the Human Resource Office for more information.

Employee ASSIST Program

The assist program is a confidential and voluntary counseling and referral program whereby employees and their dependents may receive free assistance with problems of a personal nature. For more information ask your supervisor or Human Resource Office.

Alcoholism
Care of the Aged
Children
Legal and Financial Difficulties

Marital Stress
Mental Health
Retirement Counseling
Drug Abuse

Tuition Assistance

Educational Assistance is provided by Murray City for full-time regular employees desirous of educational development in areas that will assist the City in fulfilling its' mission. Refer to Section 2.62.200 of the Murray City Municipal Code for complete details.

Safety Award/Incentive Programs

To further enhance the city's and the employees' commitment to the prevention and elimination of injuries through a proactive safety program, individuals and groups are recognized and rewarded for their continued efforts in significantly reducing lost time injuries. Refer to the Murray City Safety Manual, Section XV for complete details.

Health/Fitness Incentive Program

In conjunction with our Public Employees Health Plans (PEHP), beginning July 1, 2003 you will have a great opportunity to get involved in a comprehensive health promotion program called Healthy Utah.

Becoming a member of Healthy Utah is a smart move toward improved health and wellness. As a member, you can select from a variety of programs and activities that will help you learn about and adopt healthy behavior and lifestyle.

Rev 07/03

Whether you are interested in improving your eating habits, increasing your physical activity level, reducing the stress in your life, or quitting smoking, Healthy Utah can provide it.

One of the most popular programs Healthy Utah offers is their Rebate Program. Cash rebates will be award to **PEHP Preferred, Summit** or **Exclusive** insured **employees** and their **spouses** who set health and fitness goals and successfully accomplish them.

Transportation/Trip Reduction Incentive Program

The purpose of this incentive program is to enhance the city's and the employees' commitment to the reduction of both airborne particulates (pollution) and single use vehicle trips to and from work.

1. Effective December 1, 1997, all regular full and part-time employees will be eligible and encouraged to participate and receive a quarterly cash incentive for using an alternative means of transportation.
2. Employees desiring to participate need to pick up from Human Resources an alternative transportation log. To be eligible for a quarterly cash incentive, you must fill out the transportation log for a period of three consecutive months, beginning with the first week of the month.
3. When you have completed the log, you need to return it to Human Resources for approval and processing.
4. A cash incentive of \$25 will be paid quarterly, if you use an alternate form of transportation for three consecutive months, an average of 2 times per week, per month.
5. A cash incentive of \$50 will be paid quarterly, if you use an alternate form of transportation for three consecutive months, an average of 3 or more times per week, per month.
6. In special cases whereby the employee has an emergency and needs to get home immediately, the city will use due diligence in providing the employee with a city vehicle. Management approval is required in all cases. The employee is responsible for returning the vehicle, at the latest, the following day. It is understood that the vehicle will only be used for its intended purpose and will not be used for personal business.

Rev 07/03

7. For the purpose of calculating the number of days per week, one shift shall be considered one day even if the shift begins and ends on two different days.

8. If an employee goes on vacation that lasts one or more weeks, those week(s) will not be used in calculating the average number of days per week. This time will not count for or against the employee in calculating the cash award. The time needs to be in full week increments only. Partial weeks will still be counted toward the average. The employee needs to indicate "VACATION" on the alternate transportation log for the week in order for that time not to be counted.

THE MURRAY CITY EMPLOYEES ASSOCIATION

. . . GETS THE MESSAGE THROUGH . . .

YOU are an important part of Murray City.. . your ideas, suggestions, and concerns are of great value in bringing about constructive change in working conditions, pay administration, etc. . .

YOUR department is represented by an employee selected by you and others in your department. Your representative needs your confidence, support, ideas, and concerns to help you, your department and the City.

YOUR department representative meets every month with representatives from other city departments. The ideas and suggestions you've shared with your representative will be expressed and discussed at this meeting in order to find solutions or to recommend changes.

YOU and other city employees vote to elect the Employees Association president. The president conducts the monthly Association meeting and meets and confers with employees, department representatives, and city officials and administrators to help bring about constructive change.

YOUR suggestions and concerns are brought by the Association president to the Mayor, the Personnel Advisory Board, and the City Human Resource office when official action is needed to make improvements that will benefit you and each city employee.

THE MURRAY CITY EMPLOYEES ASSOCIATION

is **YOUR** organization. . . get to know your representative and be a positive force for continued improvement in city employment.

THE MURRAY CITY EMPLOYEES ASSOCIATION

The Murray City Employees Association had its beginning in the early 1930s. Originally, the sole purpose was social, with one party planned each year. Later on, a flower fund was added to the responsibilities of the Association. Parties and flowers remained the only functions of the Association for many years, until approximately 1972. At that time, the Association began taking a more active role with the city on behalf of the employees. It was largely due to the efforts of the Employees Association that the Career Service program was formed and subsequently adopted.

Presently, the Association is registered as a non-profit organization operating under a set of bylaws adopted on April 18, 1973. It has a governing board of one representative from each city department; the representatives serve one year terms. The President, Vice President, and Secretary-Treasurer serve two year terms. The representatives meet regularly on the third Tuesday of each month.

This organization, with a membership of over 325 now provides common representation for employees in all different job categories within the city and at the same time utilizes the voluntary dues of \$4.00 a month to send flowers to employees and members of their immediate family at times of illness or accident, have two employee parties each year, and sponsor an annual scholarship fund.

Rev. 03/03

APPEAL PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

I. Definitions.

- (a) "ADA Coordinator" means the Human Resource Director of Murray City who is responsible for investigating and facilitating prompt and equitable resolution of complaints filed by qualified persons with disabilities.
- (b) "Department" means the Human Resource Department.
- ©) "Disability" means with respect to a qualified individual with a disability, a physical or mental impairment that substantially limits one or more of the major life activities of such an individual; a record of such an impairment; or being regarded as having such an impairment.
- (d) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (e) "Mayor" means Mayor of Murray City.
- (f) "Qualified Individual with a Disability" means an individual with a disability, who with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Human Resource Department. (Ord. No. 93-10, <1.)

II. Filing of Complaints.

- (a) Any qualified individual with a disability may file a complaint within 60 days of the alleged noncompliance with the provisions Title II of the Americans with Disabilities Act of 1990 or the federal regulations promulgated thereunder. Complaints shall be filed within 60 days to assure prompt, effective assessment and consideration of the facts and to allow time to pursue other available remedies, if necessary. However, any complaint alleging an act of discrimination occurring between January 26, 1992 and the effective date of this rule may be filed within 60 days of the effective date of this rule. The filing of a complaint or of a subsequent appeal is authorization by the complainant to allow necessary parties to review all relevant information, including records classified as private or controlled under the Government Records Access and Management Act and information otherwise protected by statute, rule, regulation, or other law.
- (b) The complaint shall be filed with the ADA Coordinator in writing or in another accessible format suitable to the complainant.
- (c) Each complaint shall:

Rev. 11/99

- (1) include the complainant's name and address;
- (2) include the nature and extent of the individual's disability;
- (3) describe the department's alleged discriminatory action in sufficient detail to inform the department of the nature and date of the alleged violation;
- (4) describe the action and accommodation desired; and
- (5) be signed by the complainant or by his legal representative.

(d) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.

(e) If the complaint is not in writing, the ADA coordinator shall transcribe or otherwise reduce the complaint to writing upon receipt of the complaint. (Ord. No. 93-10, <1.)

III. Investigation of Complaints.

(a) The ADA coordinator shall investigate complaints to the extent necessary to assure all relevant facts are collected and documented. This may include gathering all information listed in II of this rule if it is not made available by the complainant.

(b) The coordinator may seek assistance from the City Attorney's staff in determining what action, if any, should be taken on the complaint. The ADA coordinator shall consult with the director of the affected department in making a recommendation.

©) Before making a recommendation that would:

(1) involve an expenditure of funds beyond what is reasonably able to be accommodated within the applicable line item such that it would require a separate appropriation;

(2) require facility modifications; or

(3) require reclassification or reallocation in grade; the coordinator shall consult with representatives from other City departments that could be affected by the decision. (Ord. No. 93-10, <1.)

IV. Recommendation and Decision.

(a) Within 15 working days after receiving the complaint, the ADA coordinator shall recommend to the department head what action, if any, should be taken on the complaint. The recommendation shall be in writing or in another accessible format suitable to the complainant.

(b) If the coordinator is unable to make a recommendation within the 15 working day period, he shall notify the complainant in writing or in another accessible format suitable to the complainant stating why the recommendation is delayed and what additional time is needed.

©) The department head may confer with the ADA coordinator and the complainant and may accept or modify the recommendation to resolve the cause of the complaint. The department head shall issue a decision regarding the complaint within 15 working days. The department head shall take all reasonable steps to implement his decision. The decision shall be in writing or in another accessible format suitable to the complainant. (Ord. No. 93-10, <1.)

V. Appeals.

(a) The complainant and/or ADA Coordinator may appeal the department head's decision to the Mayor within ten working days from the receipt of the decision.

(b) The appeal shall be in writing or in another accessible format reasonably suited to the complainant's ability.

©) The mayor may name a designee to assist on the appeal.

(d) The appeal shall describe in sufficient detail why the decision does not meet the complainant's needs without undue hardship to the department.

(e) The Mayor or designee shall review the ADA coordinator's recommendation, the department head's decision, and the points raised on appeal prior to reaching a decision. The Mayor may direct additional investigation as necessary. The Mayor shall consult with representatives from other agencies that would be affected before making any decision that would;

(1) involve an expenditure of funds beyond what is reasonably able to be accommodated within the applicable line item such that it would require a separate appropriation;

(2) require facility modifications; or

(3) require reclassification or reallocation in grade.

(f) The Mayor shall issue his decision within 15 working days after receiving the appeal. The decision shall be in writing or in another accessible format suitable to the complainant.

(g) If the Mayor or his designee is unable to reach a decision within the 15 working day period, he shall notify the individual in writing or by another accessible format suitable to the complainant why the decision is being delayed and the additional time needed to reach a decision. (Ord. No. 93-10, <1.)

VI. Record Classification.

(a) Records created in administering this rule are classified as "protected" under Section 63-2-304.

(b) After issuing a decision under IV or a decision upon appeal under V, portions of the record pertaining to the complainant's medical condition shall be classified as "private" under Section 63-2-302 or "controlled" under Section 53-2-303, at the option of the ADA coordinator.

(1) The written decision of the department head or Mayor shall be classified as "public," all other records, except controlled records under subsection 6(b), classified as "private." (Ord. No. 93-10, <1.)

VII. Relationship to Other Laws.

(a) This rule does not prohibit or limit the use of remedies available to individuals under the State Anti-Discrimination Complaint Procedures, the Federal ADA Complaint Procedures, or any other Utah State or federal law that provides equal or greater protection for the rights of individuals with disabilities. (Ord. No. 93-10, <1.)

March 1993
Rev 11/99

Section 2.62

Murray City Municipal Code

Personnel Policies and Regulations

November, 1999

PERSONNEL POLICIES AND REGULATIONS

2.62.010 Statement of Policy	1
2.62.020 Positions not in Career or Civil Service	1
2.62.021 Residency Required	3
2.62.025 Bid for Positions in the Same or Lower Class	3
2.62.030 Severance Pay for Officials	4
2.62.040 Appointment from Certified Lists	4
2.62.045 Nepotism Prohibited	5
2.62.050 Career Service Rules and Regulation	5
2.62.060 Political Activity of Employees	6
2.62.070 False Statements, Bribes, Etc.	6
2.62.090 Agreements and Cooperation with other Agencies	7
2.62.100 Membership in Employee Organizations	7
2.62.110 Status of Present Employees.	7
2.62.120 Strikes, etc.	7
2.62.130 Vacations	
Computation.	8
Rules for Taking Vacation	8
2.62.140 Holiday.	9
2.62.150 Sick Leave	10
2.62.160 Retirement and Resignation Benefits	11
2.62.170 Leaves of Absence	11
Leaves of Absence without Pay	12
Disability Leave Without Pay.	12
Procedure	12
Approval	12
Position Guarantee	13
City Required Statement	13
Personal Leave Without Pay	13
Military Service Leave	13
Family Medical Leave Act.	14
Benefit Status for all Leaves of Absence	15
2.62.180 Bereavement Leave	15
2.62.190 Death Benefits	16
2.62.200 Tuition Assistance	16
Policy	16
Standards	17
Procedure for Participation in the Program.	18
Funding	18
2.62.210 Jury Duty.	19
2.62.220 Personnel Files	19
2.62.230 Bonus Program for Red-lined Employees.	20
Definitions	20
2.62.240 Penalties	20

Personnel Policies and Regulation

2.62.010 Statement of policy.

The following principles and policies are established:

- A. Employment and promotion in the city government shall be based on merit and fitness, free of personal and political considerations, and shall in no way be influenced by religion, creed, color, sex, age, national origin, ancestry or disability.
- B. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government.
- C. The system shall provide the means to recruit, select, develop and maintain an effective and responsive work force, and shall provide plans for employee hiring and advancement, training and career development, job classification, salary administration, vacations, sick leave, leaves of absence, retirement, fringe benefits, discipline, discharge and other related activities.
- D. It is the compensation policy of the city that its goals for salary and wage ranges be comparable to the average salary and wage ranges of the following governmental entities: Bountiful, Salt Lake City, Sandy, Salt Lake County, South Salt Lake, West Jordan, West Valley, Provo, Layton and Davis County. Other government agencies and private sector entities may be surveyed as deemed necessary.
- E. It is the intent that all eligible full-time and part-time employees may receive a cost of living salary adjustment based in part, on the average cost of living increase as determined by the combined National Consumer Price Index and Wasatch Front Consumer Index.
- F. All salary adjustments and cost of living adjustments may be subject to availability of funds and other factors.
- G. Tenure of employees covered by the personnel management system shall be subject to good behavior, satisfactory work performance, necessity for performance of work and the availability of funds.

2.62.020 Positions not in career or civil service.

- A. The following regular full and part time positions of employment in city government are appointed at-will and not career or civil service positions:
 - 1. Elected members of the municipal council and employees of the municipal council.

Revised 03/2005

2. The mayor, the mayor's chief of staff, and other appointed staff members, and the following heads of departments and divisions appointed by the mayor with the advice and consent of the municipal council:

- a. Chief of police,
- b. City attorney,
- c. City recorder,
- d. City treasurer,
- e. Information systems director,
- f. Community development director,
- g. Finance and administration director,
- h. City engineer,
- i. Fire chief,
- j. Human resource director,
- k. General manager, power department,
- l. Public services director, and
- m. Economic development director.

3. People employed to make or conduct temporary and special inquiries, investigations or examinations on behalf of the mayor or municipal council;

4. Part Time employees working less than 20 hours a week.

5. New employees during initial probationary period.

6. Volunteer personnel who receive no regular compensation from the city;

7. Seasonal and temporary positions.

B. Career or civil service regular full-time positions of employment exempt from the overtime provisions of the Fair Labor Standards Act and its regulations shall be as specified in City policy.

Rev 05/2004

2.62.021 Residency required.

A. As a minimum qualification for the positions of Public Services Director, Fire Chief or Chief of Police the person in those positions must be, at the time of their appointment, and thereafter, either (1) a resident of the City or (2) reside within ten miles of the jurisdictional boundaries of the City.

B. Persons who serve as mayor pro tempore during the temporary absence of the mayor must:

1. Reside within the city; and
2. Be designated under Section 2.08.060 of the Murray City Municipal Code.

C. For the purposes of this section,

1. “Reside” and “residency” mean the person’s domicile, place of abode or principle place of residence. A person’s principle place of residence is that place in which the person’s habitation is fixed and to which, whenever the person is absent, the person, the person has intention of returning.
2. “Temporary absence” means a time when the mayor cannot be communicated with personally or via telephone or other telecommunications.

2.62.025 Bids for positions in the same or lower class.

A. Employees who bid on and are selected for a position of a lower grade shall move to the same percent of midpoint in the lower grade with the appropriate decrease in compensation. Employees who bid on and are selected for positions of the same grade shall stay at the same percent of midpoint within that grade.

B. Employees who are promoted shall be placed at 81% of mid point of the new grade or receive a 5% increase, whichever is greater. If the promotion changes the employee status from non exempt to exempt or the new job classification is increased three (3) or more grades, the employee shall be placed at 81% of the mid point of the new grade or receive a 10% increase, whichever is greater.

Rev. 03/2004

C. The promoted or transferred employee shall complete a six month probation period, to include a performance evaluation. The completion date of the probationary period will become the employee's new annual performance evaluation date.

D. At the satisfactory completion of the six month probationary period, the promoted or transferred employee may be eligible to receive a merit increase immediately based upon their job performance and where they are in the pay range.

2.62.030 Severance pay for officials not within career and civil service.

A. An appointed at-will department or division head who has been employed full time by the city for at least one year and who is involuntarily terminated for any reason other than criminal wrongdoing, shall be entitled to receive severance pay. Severance pay is in addition to any accrued vacation or sick-leave benefits owing at the time of termination. Severance is based on the employee's final salary as follows:

1. If the employee is terminated after fewer than two years full-time employment, the employee shall receive an amount equivalent to one months salary.
2. If the employee is terminated after more than two years full time employment, the employee shall also receive an amount equivalent to the final salary rate, prorated, at two weeks pay for each year of service in excess of two years, up to a maximum of four months salary .

2.62.040 Appointment from certified lists.

A. Vacancies. All vacancies in the career and civil service of the city shall be filled from a list of candidates certified by the human resource director in accordance with rules and regulations adopted pursuant to this chapter.

2.62.045 Nepotism prohibited

No person shall be allowed to work in a department wherein a member of the person's immediate family is employed as the department head; or wherein a member of the person's immediate family would have direct or indirect supervision or control over that person. "Immediate family," as used in this section, means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, step-children, step-parents, grandchildren, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law.

2.62.050 Career Service Rules and regulations.

Career service rules and regulations, and revisions thereof, shall be adopted by the mayor and the city council after evaluation by the personnel advisory board and upon such adoption and approval and shall be filed with the city recorder. All city employees shall be provided a copy of the personnel rules and regulations which shall also be available for public inspection as a public record. The rules and regulations shall govern the following aspects of the personnel system:

- A. Administration of the classification plan;
- B. Administration of the pay plan;
- C. Announcement of employment vacancies and the acceptance of applicants for employment;
- D. Preparation and conducting of examinations;
- E. Establishment and use of eligibility lists;
- F. Establishment of promotional policies;
- G. Certification and employment of persons for employment lists to fill vacancies;
- H. Performance evaluation of employees including those on probationary status;
- I. Transfer, promotion and reinstatement of employees;
- J. Separation from the career service of employees by resignation, suspension, dismissal, layoff and incapacity to perform required duties;
- K. Establishment of hours of work, holidays, vacation, attendance and leave regulations and procedures;
- L. Outside employment of municipal employees;

Rev. 11/2004

- M. Relations with employee organizations;
- N. Establishment of a probation period, not to exceed one year, for all employees prior to final appointment;
- O. Establishment of grievance and appeal procedures;
- P. Development of employee morale, safety and training programs;
- Q. Such other matters as may be necessary to carry out the intent and the purpose of this chapter and state and federal law.

2.62.060 Political activity of employees.

- A. No city employee or official may solicit any assessments, contributions or services for any political candidate or party from any employee in the career or civil service.
- B. A city employee may not hold an elected full time public office and remain in the employ of the city. A city employee who assumes a full time elected public office, either by public election or by appointment to an unexpired term, shall be deemed to have resigned from the city's employ upon taking the oath of office or otherwise first exercising the official duties of that public office.
- C. Except as otherwise provided by law, a city employee may remain in the employ of the city and simultaneously hold a part time elected public office if the employee takes personal leave without pay during the time the duties of the elected office require the employee's absence from the city and that request is granted as provided by law.
- D. For purposes of this section, "employee" means any person other than city elected officials who receives compensation from the city, and includes appointed employees and members of the career and the civil service.

2.62.070 False statements, bribes, etc., to obtain appointment, promotion, etc.

- A. No person may knowingly or intentionally make any false statement, certificate, mark, rating or report in regard to an employee's application, test, certification, evaluation or appointment held or made under the city's personnel systems, or in any manner commit any fraud or other act for the purpose of preventing a proper or impartial execution of those systems.
- B. No applicant for employment or promotion in the career or civil service shall give or pay any money or any other thing of value, or render services to any other person for, or on account of, or in connection with the applicant's test, appointment, proposed appointment, promotion, proposed promotion or for any other advantage.

2.62.090 Agreements and cooperation with other governmental agencies.

A. The mayor may, as permitted by law, enter into agreements with any federal, state or local government organization for receipt of grants or services, including material or equipment which is designed to strengthen personnel administration and train municipal employees, or to improve specific access of persons to the personnel system established in this chapter.

B. The human resource director, acting in behalf of the city, may cooperate with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, training personnel, establishing lists from which eligibles shall be certified for appointment, and for the exchange of information regarding personnel and employee benefits.

2.62.100 Membership in employee organizations.

All city employees shall have the right to organize, join and participate or to refuse to organize, join or participate in any employee organization without fear of penalty or reprisal.

2.62.110 Status of present employees.

Employees holding career service positions continuously for one year or more immediately prior to the adoption of this chapter shall, upon certification by the appointing authority that their work has been satisfactory, be continued in their respective positions without further examinations until separated from their positions as provided by law. Those holding their positions less than one year immediately prior to the adoption of this chapter shall serve a probationary period, as prescribed by these ordinances, and may be certified in the same manner when they satisfactorily complete such probation period from the date of their original appointment.

2.62.120 Strikes, etc.

Career and civil service employees may not engage in, threaten to engage in, encourage or plan any strike, whether it be in the nature of an immediate walk-out or resignation after notice. Any general or mass resignation shall be regarded as a strike when more than one-tenth of the total career or civil service employees in any city department having more than 50 such employees resign within any period of 30 days, and when more than one-fourth of the total career or civil service employees in any other city department resign within any period of 30 days. Any violation of this section shall be grounds for removal from career or civil service employment, forfeiture of all rights of seniority and shall also be grounds for refusal of reinstatement or employment in any other city department as provided in this chapter.

2.62.130 Vacations.

A. Computation. Each regular full-time employee in city service shall be granted a paid vacation to be computed as follows: One working day per calendar month of employment including the first year of employment; provided, that no vacation shall be granted or compensation received for vacation credit accruing during any probationary period; however, if regular status is obtained, vacation shall then be allowed for employment during such probationary status. After five years of continuous employment with the city, each employee in city service shall be granted 1.167 working days per calendar month of employment. After ten years of continuous employment, each employee in city service shall be granted 1.417 working days per calendar month of employment. After 15 years of continuous employment, each employee will be granted 1.833 working days per month. After 20 years of continuous employment each employee will be granted 2.083 working days per month.

B. Rules for Taking Vacation.

1. Selection of vacation shall be made according to seniority in each department; provided, that the department head, for good cause, may change any selected date if necessary for the performance or the efficiency of that department. Vacation schedule for each particular year is to be worked out as promptly as possible and is to be planned to avoid disruption of work and to occasion as little inconvenience and additional expense to the city as possible;
2. Although vacation leave is considered to be an earned benefit, vacation leave is provided in order to give employees rest and relaxation away from their jobs. Employees will not be allowed to receive pay in place of taking vacation;
3. A new employee may carry over all unused accrued vacation at their one year anniversary, even though it may be in excess of one week. All other employees who are entitled to two weeks vacation with pay may elect to accumulate and carry over one week, or 40 hours, of vacation to be taken in the following year. No employee may accumulate vacation to add to the regular annual vacation which, when totaled, would exceed 35 days, or 280 hours, of vacation;
4. An employee may, with the consent of the department head, elect to split the annual vacation period. In such event the right of selection by seniority shall apply only to the first period selected;
5. Upon resignation, an employee will not be paid any accrued vacation benefits unless at least ten days' advance written notice of the contemplated resignation is given to the department head and the human resource director. If the required notice is given, the employee shall be paid for vacation hours accrued but not taken. If termination is caused by death, accrued vacation benefits shall be paid

to the administrator, executor or surviving spouse at the discretion of the mayor. If a non-probationary employee is terminated for cause, the terminated employee shall be paid accrued vacation benefits in lieu of severance pay otherwise provided in this chapter.

2.62.140 Holiday.

A. Each regular full-time employee in city service shall be granted holiday vacations at full pay in accordance with the following schedule:

January 1	New Year's Day
Third Monday of January	Martin Luther King Day
Third Monday of February	Washington's Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
July 24	Pioneer Day
First Monday in September	Labor Day
November 11	Veterans' Day
Fourth Thursday in November	Thanksgiving
Fourth Friday in November	Day after Thanksgiving
December 25	Christmas Day
Two (2) Open or floating holidays	

B. If any of the above listed holidays falls on a Saturday, all employees shall take the preceding Friday as the holiday, and if it falls on a Sunday, then all employees shall take the following Monday as the holiday.

C. The two open or floating holidays may be taken as a day off work by each employee subject to the same scheduling requirements set forth in Section 2.62.130(B)(1) of this chapter. Open or floating holidays may not be accumulated or used for any calendar year past December 14th of each year, and in no event will employees be allowed to receive pay in lieu of taking the two open holidays.

D. Eligible new hires are entitled to receive up to two floating holidays (16 hours) the first year of employment based upon the following schedule:

Hire Date	Floating Holiday Hours Available
December 15 -- March 31st	16
April 1st -- June 30th	12
July 1st -- September 30th	8
October 1st -- December 14th	4

E. Regular part time employees working between 20 and 29 hours per week are eligible to receive pro rated (4 hours) holiday pay. Floating holiday hours are not available to part time employees.

Rev. 05/2004

2.62.150 Sick leave.

A. Paid sick leave may be used by a regular full-time employee only when the employee is unable to work due to a bona fide sickness of the employee and to meet legitimate medical and dental appointments for physical examinations or other approved health maintenance measures. Sick leave may also be utilized to cover an employee's absence from work to care for a seriously ill or seriously injured (as determined by a physician) member of the employee's immediate family, when that person is legally dependent upon the employee and resides in the employee's home. Exceptions may be granted on a case by case basis for aged or infirm parents if approved by the employee's supervisor or department/division head and the human resource director. Sick leave shall not be granted for any injury, illness, or occupational disease covered by the Utah Workers Compensation Law.

B. Paid sick leave shall accumulate to the credit of each regular full time employee at the rate of one working day for each calendar month of satisfactory employment. Sick leave credit shall begin to accrue from the date of employment including the probationary period.

C. Except as herein provided, all employees shall be paid, annually on or before December 20th, 25 percent of sick leave unused for the previous 12-month period ending November 30th. The remaining 75 percent of sick leave unused during the previous 12-month period shall be added to the previous year's accumulated total. In figuring the payment under this section, any sick leave used shall be considered as coming from the current 12-month period and not from accrued sick leave and to be effective as of December 1, 1972. Employees have the option to carry over, to the next calendar year, accumulated sick leave hours rather than receiving payment as provided above if they submit written notice to the Human Resource Director no later than November 30th of the current calendar year.

D. Employees who voluntarily retire or resign shall be paid an amount equal to 25 percent of sick leave unused from the previous December 1st to the last date of employment. If a city employee dies, the benefit shall be paid to the beneficiaries of the deceased employee or, if applicable, to the estate of the deceased employee. Employees discharged for cause from city employment shall not be eligible for benefits as outlined in this section.

E. To qualify for sick leave payments, an employee must notify the supervisor or department/division head no later than one hour after normal starting time on each day of absence unless the circumstances surrounding the absence preclude the necessity of notification or make such notification impossible. The employee must also keep the supervisor advised regarding the employee's progress and expected date of return to duty. Sick leave will normally be charged in not less than one-hour units.

F. For sick leave in excess of three consecutive working days, or in cases where abuse of sick leave is suspected, the department/ division head is authorized to require the

Rev 11/00

employee to furnish satisfactory proof of illness as evidenced by a signed doctor's excuse. If hospitalization, surgery, or major illness or injury is involved, employees must obtain and submit to their department/division head a "return to work release form" signed by their doctor indicating the date of return to work and restrictions, if any, which apply to the employee's return to work.

2.62.160 Retirement and resignation benefits--Unused Sick Leave Credits.

Effective January 1, 1999, employees who retire or resign from employment with the city in good standing are eligible for the following benefits:

- A. Employees retiring or resigning from the city shall be eligible to receive 25 percent of their unused sick leave accumulated since the last sick leave payment.
- B. Employees retiring or resigning with 10 years of full time service but less than 15 years of full-time equivalent service shall be eligible to receive, in addition to the benefits described in subsection A, ten percent of the employee's remaining accumulated sick leave at their current rate of pay.
- C. Employees retiring or resigning with at least 15 years of full-time equivalent service shall be eligible to receive, in addition to the benefits described in subsection A, ten percent of the employee's remaining accumulated sick leave at their current rate of pay, plus an amount equal to the lowest single employee medical premium per month for a period not to exceed 36 months, which will be based upon the employee's years of service and accumulated hours of sick leave.
- D. Employees who are eligible for the above-described retirement or resignation benefit will have the option of signing up in the VantageCare Retirement Health Savings plan, beginning February 2004. An enrollment and information kit is available through the Human Resources Department.
- E. A \$2,000.00 paid up life insurance policy is provided to retirees meeting the eligibility criteria under the applicable Utah State Retirement System.

2.62.165 Organ Donor Leave

An employee who serves as a bone marrow or human organ donor shall be granted paid leave for the donation and recovery.

- A. An employee who donates bone marrow shall be granted up to seven (7) days of paid leave.
- B. An employee who donates a human organ shall be granted up to thirty (30) days of paid leave.

The donor paid leave shall be funded through the lost vacation accrual account.

2.62.170 Leaves of absence.

Leaves of absence without pay may be granted by the appointing power, upon request of the

Rev. 01/2006

employee, subject to the approval of the appointing authority and the mayor and the provisions of this section. Except in case of military leave, the appointing power should exercise discretion in granting leaves of absence, taking into consideration good conduct, length of service, efficiency of the employee and the sufficiency of the reasons for requesting the leave.

A. Leaves of Absence Without Pay.

1. A leave of absence without pay is an approved temporary absence from work in which the employee does not lose status as a regular employee. However, the employee's anniversary date (for purpose of performance evaluation and merit increase) and hire date (for purposes of vacation accumulation rates and seniority status) will be moved ahead by the number of working days between the time that the employee's name is removed from the payroll records and the day the employee returns from leave of absence.
2. Leave without pay may be considered for reasons of disability, personal reasons, or military service. To be eligible, employees must express in writing the proposed date the requested leave is to commence and the estimated date on which the employee expects to return to work.
3. An employee may petition the human resource director after receiving approval from the appropriate department/division head to take a leave without pay, without first using all sick and vacation hours. Approval will be handled on a case by case basis.

B. Disability Leave Without Pay. For the purpose of this chapter, disability is defined as an illness, physical or mental impairment, or pregnancy or complications related to pregnancy that prevents an employee from performing the essential functions of the job.

1. Procedure.

- a. Employee requests the leave as far in advance of the requested start date as possible;
- b. Employee must contact the supervisor prior to the scheduled expiration date of the leave giving the specific date which the employee plans to return to work. If the employee fails to return to work or receive approval for extended leave under policy guidelines, employment is automatically terminated as of the last day of the approved leave;
- c. The department head may request that the leave begin earlier than the date requested by the employee in order to insure satisfactory performance of job duties.

2. Approval. Department heads may approve leave up to ten days annually. The mayor and human resource director may approve leaves exceeding ten days up to a maximum of one year based upon recommendation of the department head. Upon good cause shown, the mayor may extend any leave of absence without pay upon recommendation of the department head.

Rev 7/00

3. Position Guarantee. Employees taking a disability leave without pay will be guaranteed a position of like status and pay for a period up to 90 days from the last active day of work. For a leave exceeding 90 days, the job guarantee will apply for the additional period of actual disability, and must be supported by a physician's statement.

4. City Required Statement. The city reserves the right to require a physician's statement and/or medical examination by a physician of its choosing, at city expense, relating to the granting of disability leave, extension of disability leave, or return to work.

C. Personal Leave Without Pay.

1. Eligible employee's requests for a leave of absence without pay for personal reasons will be considered on an individual basis at the city's discretion. The major factors to be considered are:

- a. The reason for the request;
- b. Length of service of the employee;
- c. Performance record of the employee;
- d. Probable extent of the leave.

2. Department Heads may approve personal leave without pay for up to ten days annually. The mayor and human resource director must approve such leaves exceeding ten days, up to a maximum of one year. Upon good cause shown, the mayor may extend any leave of absence without pay upon recommendation of the department head.

3. Position Guarantee. There is no job guarantee for employees taking personal leave without pay. However, the city will make every effort to place employees if a suitable opening exists, funds are available, and if the employee contacts the supervisor two to four weeks prior to the expiration of the leave.

D. Military Service Leave.

1. A military leave of absence without pay will be granted to any employee who enters any branch of the United States armed services (uniformed services). The employee will be reinstated to the same or a comparable position if application for re-employment is made within 90 calendar days of the date of an honorable discharge. Service members who have been hospitalized or are convalescing related to injury or illness incurred by military service, may have up to two (2) years to recover before they must apply for reemployment.

2. Murray City will continue to make retirement contributions for a total and maximum amount of five years as if the returning veteran had not been absent from work.

Rev. 01/2006

3. Any full-time regular employee who is a member of the organized U.S. Army, Air Force, Navy, Coast Guard, Marine Reserves or State National Guard shall be permitted paid leave for up to 15 days active duty training per calendar year and shall be compensated at his/her regular base rate of pay from the city. This leave shall be in addition to annual vacation leave with pay.

4. Any full time regular employee who is called up to active duty by Presidential Order will be provided the following benefits:

a. Subject to availability of funds, the City will pay the difference between the employee's regular pay at time of call up and their military pay, for a period not to exceed twenty-four consecutive months.

b. The City will continue to pay its share of the insurance premium for medical, dental and basic life insurance, for a period not to exceed twenty-four consecutive months. The employee must notify the City, in writing, if employee wants to continue City insurance coverage. The employee also has the option of using accrued vacation time to pay for their portion of the insurance premium.

5. Employee Notice for military leave must be given to the department/division head usually accompanied by a copy of the employee's military orders no later than two calendar weeks prior to the commencement of leave.

6. Military leave will not be considered hours worked for the purposes of computing overtime.

E. Family and Medical Leave Act (FMLA 29 CFR PART 825).

1. Under the FMLA, up to 12 weeks of unpaid leave shall be authorized to employees for birth, adoption, placement of a foster child or for a serious health condition of the employee, or care of a spouse, dependent child (under 18 years or disabled) or a parent of the employee with a serious health condition.

2. The 12 weeks of unpaid leave shall be based on the 12-month period measured forward from the date the employee's first FMLA leave begins.

3. To be eligible for FMLA leave, an employee must have been employed by the city at least 12 months, and have worked at least 1,250 hours within the previous 12 month period.

4. Leave to care for a new child must be taken within one year of the birth or placement for adoption or foster care.

5. The city shall require the employee to substitute any of the employee's accrued

Rev 01/2006

paid vacation leave or sick leave which may be used only for employee's own illness or to care for a seriously ill member of the employee's immediate family for any part of the 12-week leave period identified above, except as otherwise allowed under Section 2.62.170(A)(3).

6. If spouses are both employed by the City and seek leave for the birth of a child, placement for adoption or foster care or to care for a parent with a serious health condition, their combined leave is limited to 12 weeks.

7. When medically necessary, due to a serious health condition, leave may be taken on an intermittent, reduced work week or daily hours basis.

8. Leave taken for purposes of childbirth, adoption, placement for adoption or foster care shall not be taken by an employee on an intermittent or reduced work week or daily hours basis unless it is mutually agreed to by both employer and employee.

9. If the need for leave is foreseeable, the employee should give at least 30 days' notice, before the leave is to begin, that the employee intends to take leave. If the situation requires leave to begin in less than 30 days, the employee should provide such notice as soon as possible.

10. An employee returning from leave will be reinstated to the same job or an equivalent position.

11. An employee on an unpaid family or medical leave will be retained on the city health plan on the same conditions as active employees.

12. Employees who fail to return to work after family and medical leave shall reimburse the city for health plan premiums paid in behalf of the employee.

13. The city shall require medical certification for leaves based on employee or family member illness and may also require a second medical opinion at the city's expense, and a fitness for duty report to return to work.

F. Benefits Status for all Leaves of Absence.

1. Time on leave is not considered time worked. Therefore, vacation and sick leave credits do not accrue while on a leave of absence without pay. The effect of military leave will be determined under the law in effect when the military leave is taken.

2. Life, medical and dental insurance coverage may be continued while on leave without pay if the employee pays the full premium except as otherwise provided by law. A check covering the amount of the total insurance premiums due for the expected time an employee is on leave should be made payable to the city.

3. If an employee elects to discontinue insurance coverage during leave of absence without pay, the employee must reapply for insurance upon return from leave. Coverage will become effective on the date of re-employment, and the returning employee will be subject to any pre-existing condition insurance provisions which may then apply.

Rev 02/01

2.62.180 Bereavement leave.

All regular, full and part-time employees will receive five (5) days (up to 40 hours) of paid leave and time off for the death of the employee's spouse, children, or step-children, and three (3) days (up to 24 hours) of paid leave and time off for a death of a mother, father, brother, sister, step-parents, grandchild, grandparent, spouse's grandparent, mother- and father-in-law, sister- and brother-in-law, and daughter- and son-in-law. You must notify your supervisor of the situation as soon as possible.

2.62.190 Death benefits.

A. Notwithstanding any other provisions of this code, the estate of any employee who is killed in the line of duty as a result of a violent accident or by the intentional acts of another person or who dies as a result of injuries so sustained shall receive from the city the sum of \$10,000.

B. PEHP will provide an additional \$50,000 line-of-duty death benefit, if the employee was covered at time of death under the city paid, basic life insurance plan and the death resulted from external force, violence, or disease occasioned by an act of duty as a public employee.

C. If any employee dies while covered under a city medical/dental plan that includes dependent coverage, the dependent coverage shall continue after being re-enrolled on COBRA*, with the city paying the full premium. However, each dependent's fully paid premium benefit shall terminate on the earliest of the following:

1. Six months after the employee's death; or
2. In the case of a spouse, the date that the spouse remarries or becomes eligible for Medicare; and
3. In the case of a dependent child, the date the child ceases to be a dependent; or
4. When any of the deceased's dependents become covered under any other group insurance plan.

*Note: Qualified dependent beneficiaries enrolled on COBRA may elect, at their own expense, to stay on the plan for an additional period of up to 30 months.

2.62.200 Tuition Assistance.

The city recognizes the importance of employee educational growth to maintain and advance professional, technical, and managerial competence and to prepare employees for promotional or career change opportunities within the city.

A. Policy.

1. Through the tuition assistance program, the city may provide assistance to employees who:

Rev.08/2006

- a. Undertake a course of study which leads to an associate's, bachelor's or master's degree in an occupation for which the city normally recruits employees; or
- b. Class work in an area which relates to the employee's field of work.

B. Standards.

1. All classes/courses must be offered by institutions accredited by the Accrediting Agency Evaluation Branch of the U.S. Department of Education and/or the Council of Higher Education Accreditation.
2. Participants in the tuition assistance program will do so on their own time and are not to receive pay for time spent in attendance at course work authorized under this program.
3. Irregular work schedules may be authorized by the supervisor upon review of the employee's written request.
4. Tuition assistance will only be provided for courses receiving prior approval from the employee's immediate supervisor, department head, human resource department and mayor.
5. To qualify for tuition assistance, employees must meet the following employment conditions:
 - a. The employee must have completed probationary status.
 - b. The employee must be on the payroll at the beginning and at the end of the course.
 - c. The employee must be working for the city a minimum of 30 hours per week.
 - d. A letter grade of "C" or better must be achieved. In courses that are ungraded, satisfactory completion is necessary to qualify for tuition assistance.
 - e. The course must qualify under this chapter.
 - f. The employee must not have been required to repay funds under this program within six months of a new request for tuition assistance.
6. The City authorizes tuition assistance or an approved course on the following basis:
 - a. 100 percent for a grade of C or higher.
 - b. 50 percent for ungraded courses satisfactorily completed.

Rev 01/02

c. Each employee who is qualified for this program will be eligible to receive up to a maximum of \$2,200 tuition assistance per calendar year.

7. Travel costs to and from the course, the cost of books and lab fees are not eligible under this policy.

8. Tuition assistance will not be granted to an employee receiving financial aid for the same course under a veteran's benefit program, scholarship, grant, or other educational subsidy.

9. If an employee voluntarily terminates employment with the city within one year after completing a course, the employee must repay the tuition assistance for that course. Such repayment can be withheld from an employee paycheck if deemed necessary.

C. Procedure for Participation in the Program.

1. Before taking a course, the employee must submit a written request for tuition assistance to the employee's immediate supervisor at least two weeks prior to the beginning of the course. The request shall describe the educational institution, the course name, the cost of the course and the start/completion dates.

2. The supervisor shall evaluate the request and forward it to the department head with a recommendation. The department head shall evaluate the request and forward it to the human resource department with a recommendation.

3. The human resource director shall review the request. If it meets all the eligibility criteria, the director shall forward it to the mayor for final approval.

4. Upon final approval the finance department shall issue a check for the amount of the course up to the \$2,200 annual limit, made payable to both the employee and the school/institution.

5. Upon completion of the courses, the employee shall submit proof of the earned grade to the human resource director within ten working days after the course completion date. For the purposes of this section, course completion shall mean the date on which the educational institution issues course grades. If the employee fails to submit proof of the earned grade within ten days after course completion, the employee shall repay the City the entire amount of tuition assistance.

D. Funding.

1. Funds for the tuition assistance program shall be contained in the budget of the finance department.

Rev. 07/2004

2. The mayor shall propose to the municipal council the amount needed to fund the program as a part of the budget package.

3. The municipal council shall fund the tuition assistance program.

E. The cost, including employee travel time and expenses, for any mandatory education courses and similar training which may be required of an employee by a department shall be paid in full by that department from its annual budget. The expense of mandatory education is not eligible under this policy.

2.62.210 Jury duty.

Regular full-time employees who are called to serve on a jury will be granted a leave of absence with pay. Ample notice should be given by an employee who is called for jury duty to arrange for a replacement. Verification of jury duty will be required. Jury duty does not require constant court attendance in many instances. When this is the case, the employee should report back to work. Jury duty is not charged against paid leave accrual.

2.62.220 Personnel files.

A. The human resource office shall maintain a personnel record for each employee of the city. Information of a derogatory nature shall not be placed in the personnel record unless the affected employee has been provided a copy thereof and has had an opportunity to respond. Employees shall have the right to comment on any item in their personnel record. These comments shall be retained with the information in the personnel record. Furthermore, any employee may petition the human resource director to remove any evidence of adverse employment action from that employee's personnel file, which evidence shall be purged from the file, provided:

1. The employee has had no adverse personnel action, including the action sought to be purged, within the five years previous to the request; and
2. The adverse action does not relate to an act or omission by the employee which would constitute a crime under city, state or federal laws.

B. Employees shall have the right to review their own personnel record as provided by personnel administration procedure. Unless written permission is provided by the employee, or if otherwise required by law, no information shall be disclosed from the personnel record of a current or former employee other than the employee's job departmental assignment. The human resource department personnel, mayor, employee's department head, employee's department head designee and city attorney may review personnel records as necessary.

Rev. 01/02

2.62.230 Bonus program for red-lined employees.

A. There is established an incentive bonus program for all regular full and part-time red-lined employees. The program shall be administered by the human resource department in accordance with the following guidelines:

1. The eligible employee must have received a current annual performance evaluation with a final overall rating of "high performer" or above;
2. The cash bonus shall be in the amount of \$400.00 and shall be noncumulative;
3. All payments represent taxable compensation and appropriate payroll taxes shall be withheld from each bonus payment;
4. The incentive bonus shall be paid in the month the employee's annual evaluation is due;
5. The red-lined employee must qualify for an incentive bonus every year .

B. Definitions. For purposes of this section, the following terms shall be defined as follows:

1. "Bonus" means a noncumulative cash award paid for performance and productivity which exceeds expectations;
2. "Eligible red-lined employee" means, during their annual evaluation month and the 11 consecutive months preceding the evaluation, the employee herein, has:
 - a. Been at the top of the range; and
 - b. Not received a market adjustment, merit or promotion.

2.62.240 Penalties.

A. A violation of the provisions of this chapter shall be grounds for disciplinary action, ranging in severity up to and including suspension or discharge from the career or civil service.

B. Any person who has violated any provision under this chapter shall, for a period of five years, be ineligible for employment in the career or civil service. If an appointed officer or employee of the city, the person shall forfeit the office or position.

Rev. 08/2006

**Murray City Career Service
Rules and Regulations**

Revised Edition

November, 1999

CAREER SERVICE RULES AND REGULATIONS

Article I Examinations

Sec 1 Applications and Examinations	1
Character of Exams	1
Notice of Exam	1
Residence/Citizenship	2
Filing Applications	2
Disqualification of Applicants	2
Conduct of Exams	3
Rating Exams	3
Rating Training and Experience	4
Investigations	4
Oral Examinations	4
Notification of Results	4
Examination Records	5
Sec 2 Examination Announcement	5
Sec 3 Tests Typing	5
Sec 4 Veterans Preference	5
Definitions	5
Points	6
Verifying	7

Article II Establishment of Registers

Sec 1 Establish and Maintain Registers	8
Sec 2 Preparation of Registers	8
Sec 3 Duration of Registers	8
Sec 4 Removal of Names from Register	8
Sec 5 Reappointment	9

Article III Certification of Eligibles from Registers

Sec 1 Requests for Certification	10
Sec 3 Certification from Registers	10

Article IV Grievance - Appeal Procedure

Sec 1 Purpose	11
Sec 2 Definitions	11
Sec 3 Protection and Representation	11
Sec 4 Grievance Procedure	12
Sec 5 Appeals to the Personnel Advisory Board	13
Sec 6 Appeals involving suspension for more than two (2) days without pay, discharge or transfer to a position of less remuneration - Creation of Appeal Board - Procedure	14

Article V Appointments

Sec 1 Probationary Appointments	16
Sec 2 Temporary Appointments	17
Sec 3 Provisional Appointment	17
Sec 4 Emergency Appointment	18
Sec 5 Seasonal Appointment	19

Article VI Probationary Period	
Sec 1 Nature, Purpose, Duration	20
Sec 2 Conditions	20
Sec 3 Dismissal	20
Sec 4 Extension	21
Article VII Promotion, Demotion, Transfer, Reclassification	
Sec 1 Promotions	22
Posting	22
Bidding	22
Bidding Eligibility	22
Bids for Same or Lower Class	22
Selection of Applicants	23
Probationary Period	23
Unsuccessful Promotions	24
Sec 2 Demotions	24
Sec 3 Transfers	24
Article VIII Separations	
Sec 1 Resignations	26
Sec 2 Suspension, Dismissal, Demotions	26
Sec 3 Layoffs	27
Severance Pay	28
Sec 4 Re-Employment	28
Sec 5 Acting in Position	28
Article IX Rehire, Reinstatement, Tenure, and Status	
Sec 1 Rehire	30
Sec 2 Reinstatement	30
Sec 3 Tenure of Office	30
Sec 4 Retirement	31
Sec 5 Like Penalties for Like Offense	31
Sec 6 Acting Capacity Limited	31
Sec 7 Career Service Status	31
Article X Status of Regular and Probationary Employees	32
Article XI Performance Ratings	
Sec 1 Purpose	33
Article XII Certification of Department Payrolls	34
Article XIII Receipt of Improper Forms	35
Article XIV Cooperation with other Merit Systems	
Sec 1 Recognition in Comparable Jurisdictions	36
Sec 2 Certification in Other Jurisdictions	36
Article XV Political Activity and Flower Fund	37
Article XVI Violation of these Rules	38
Article XVII Exit Interviews and Last Day Worked	
Sec 1 Exit Interview Form	39
Sec 2 Supervisor's Responsibility	39
Sec 3 Exit Interview	39

ARTICLE I

EXAMINATIONS

Section 1 - Applications and Examinations

Paragraph 1. Character of Examinations:

- (a) Examinations for entrance to the Career Service shall be conducted on an open-competitive basis. Examinations, where used shall be practical and realistic in nature, shall be so constructed as to reveal the capacity of the applicant for the particular position being sought, as well as the applicant's general background and related knowledge.
- (b) The Human Resource Director may be called upon to determine factors necessary to develop an examination. The Human Resource Director and/or the hiring authority shall make all examinations realistic and job related to acquire the best qualified personnel to fill positions in the Career Service.

Paragraph 2. Notice of Examinations:

- (a) The Human Resource Director shall give public announcement of all entrance examinations at least five (5) days in advance of establishing a register and certifying therefrom. For classes of positions for which recruitment is difficult, the Human Resource Director shall conduct a positive campaign of recruitment in cooperation with the hiring authority in which every reasonable effort shall be made to attract qualified persons to compete in these examinations.
 - (1) Notice of examinations shall be prominently posted in public places throughout the City and/or County and/or the State as determined by the director. Notices may also be published in newspapers of at least city wide circulation, and provided to electronic media, educational institutions, professional and vocational societies, public officials, and such other organizations and individuals as the Human Resource Director may deem appropriate.
- (b) Public announcement of examinations shall describe the title and salary range of the class of position, the expected rate of pay upon appointment, the duties to be performed, the minimum qualifications required, the final date on which applications will be received, or whether applications will be received at any time and examinations held whenever practicable, and notice that before appointment, applicants will be required to pass a satisfactory physical examination, including mandatory drug testing.

Paragraph 3. Residence and Citizenship:

The open-competitive examination shall, after published notice, be open to any person or persons, regardless of residence or citizenship, who are otherwise eligible.

- (a) Applicants for a position in the Career Service may not be restricted because of their relationship to a present Career Service employee unless the employment sought would violate the prohibition against nepotism as described in Section 2.62.045 of the Murray City Code.

Paragraph 4. Filing Applications:

All applications shall be made on forms prescribed by the Human Resource Director and must be filed on or prior to the closing date specified in the announcement, or postmarked before midnight of that date. Applications shall include all pertinent information regarding the applicant's training, education and experience. All applications shall be signed and dated, and by signing the application, an applicant shall be deemed to have certified that all the statements in the application are true and correct.

Paragraph 5. Disqualification of Applicants:

- (a) The Human Resource Director may refuse to examine an applicant, or after examination, may disqualify such applicant or remove the applicant's name from a register; or refuse to certify any eligible on a register if the applicant:
 - (1) is found to lack any of the basic minimum requirements established for the examination of the class of position;
 - (2) is so disabled as to be rendered unable to perform the essential functions of the job, with or without reasonable accommodations
 - (3) is a current user of illegal drugs or habitual user of intoxicating liquors to the extent that the essential functions of the job cannot be performed.
 - (4) has been convicted of any felony or other public offense which would prohibit bonding or licensing if required as a condition of employment in the position sought;
 - (5) has made a false statement of material fact in the application, or has committed fraud or deception in the examination, or in otherwise attempting to establish eligibility for appointment;

Rev. 11/99

- (6) has previously been dismissed from any public service for cause;
 - (7) has used or attempted to use political pressure, influence or bribery to secure an advantage in establishing eligibility in the examination or appointment process;
 - (8) has directly or indirectly obtained unauthorized access to information regarding examinations;
 - (9) has failed to submit an application correctly or within the prescribed time limits;
 - (10) has taken part in the compilation, administration, or correction of the examinations;
 - (11) has otherwise violated provisions of these regulations or other applicable law.
- (b) A disqualified applicant shall be promptly notified of such action, and an applicant who is not admitted to an examination because of failure to meet the minimum requirements shall be notified by letter sent to the applicant's last known address. An applicant may appeal, in writing, to the Personnel Advisory Board at any time prior to the date of the examination.

Paragraph 6. Conduct of Examinations:

Tests may be conducted in as many places as are necessary for proper administration. The Human Resource Director and/or hiring authority may designate such proctors as may be necessary to conduct examinations under prescribed instructions and may also arrange for the use of buildings or other venues in which to conduct examinations.

Paragraph 7. Rating Examinations:

- (a) The Human Resource Director or designee shall determine if each applicant meets the minimum qualifications of the job. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the screening examination procedure.
- (b) The Human Resource Director or designee may be asked to develop appropriate, recognized techniques and procedures in rating the results of examinations and in determining the final scores of the competitors. In determining the system for rating results on the examination, due regard to the number of candidates and to the number of vacancies which may be reasonably expected to occur in the life of the register shall be considered.

Rev 11/99

Paragraph 8. Rating, Training and Experience.

If training and experience comprise a factor of the total examination, the Human Resource Director or designee shall determine a procedure for the evaluation of the training and experience qualifications of the applicants. The appraisal formula shall give due regard to recency and quality as well as quantity of experience, and to the pertinence of the training. Training for experience, and experience for training may be substituted, within the limits stated in the job description.

Paragraph 9. Investigations.

Before rating training, and experience, or prior to certification from the register, the Human Resource Director or designee may investigate the applicant's training and experience to verify the statements contained in the person's application, and may require further evidence regarding the applicant's character and fitness for the position being sought. If this investigation produces information affecting the applicant's training and experience rating, the Human Resource Director or designee shall rate, or re-rate, the applicant's record accordingly, make the necessary adjustments in the register, and promptly notify the applicant of such action.

Paragraph 10. Oral Examinations:

If the hiring authority decides an oral examination is necessary for screening applicants, then an Oral Board will be assembled accordingly.

a. The oral examination board should consist of three (3) or more members, appointed by the hiring authority, who shall be known to be interested in the improvements of public administration and in the selection of efficient Career Service personnel. At least one member shall be technically familiar with the character of work in the position for which the applicant will be examined. Any person holding elected political office, or any officer or committee member of any political organization, may not serve as a member of any such examination board. If practicable, all applicants qualifying for the oral examination for the same class shall be rated by the same oral examination board.

Paragraph 11. Notice of Examination Results:

Each applicant who meets the minimum qualifications for the job shall be notified by mail by the Human Resource Department when the register is established. Each applicant who does not meet the minimum qualifications shall be notified by mail of such.

Rev 11/99

Paragraph 12. Examination Records:

The Human Resource Director or designee is responsible for the maintenance of all records pertinent to the examination program. Applications and other necessary examination records shall be kept during the life of the register. Examination records of appointees shall be kept permanently. The examination records of other applicants who were not appointed may be destroyed thirty (30) days after the expiration of the register. All notices of changes of address shall be filed, by applicants and eligibles with the City Human Resource Department.

Section 2 - Examination Announcements

Paragraph 1.

When a register is exhausted, or is not sufficiently adequate to allow proper certification in a particular class for more than a two-month period, the Human Resource Director shall determine whether there is a need for employees in that class, and the existing applicants shall be so notified, except that applications may be received after the closing date as long as it is possible and practicable to process the applications. Changes in the positions applied for may be made on a completed application already on file with the Human Resource Department, by an employee or other applicant, for position in a current examining program.

Section 3 - Tests in Typing

Paragraph 1.

Scores in typing for open-competitive examinations may be recognized for a period of not to exceed twelve (12) months from the date of the test.

Paragraph 2.

The City Human Resource Director may recognize certificates of proficiency which have been issued by reputable schools, businesses, or other departments, when conditions of issuance are standardized, and are otherwise acceptable.

Section 4 - Veterans Preference

Paragraph 1. Definitions

"Active duty" means active military duty and does not include active duty for training, initial active duty for training, or inactive duty for training.

"Disabled veteran" means an individual who has:

- a. been separated or retired from the armed forces under honorable conditions; and
- b. established the existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the federal Department of Veterans Affairs or a military department.

"Preference eligible" means;

- a. any individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated under honorable conditions;
- b. a disabled veteran with any percentage of disability;
- c. the unmarried widow or widower of a veteran;
- d. a purple heart recipient; or
- e. a retired member of the armed forces who retired below the rank of major or its equivalent.

Paragraph 2. Veteran's Preference Points

The City shall grant veteran's preference upon initial hiring to each preference eligible veteran or preference eligible spouse based on official documents certifying eligibility and according to the following procedures and requirements.

- a. The names of all persons who have obtained final passing grades in all factors of the examination, shall be placed on the register in the order of their final rating, starting with the highest.

The Human Resource Department shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any position with the City:

- a. 5% of the total possible score, if a veteran;
- b. 10% of the total possible score, if a disabled veteran or a purple heart recipient; or
- c. in the case of a preference eligible widow or widower, the same percentage the qualifying veteran would have been entitled to.

A preference eligible who applies for a position that does not require an examination, or applies for a position for which examination results are stated in terms other than a numeric score, shall be given preference in interviewing and hiring for the position.

Rev 11/99

Any officer, agent, or representative of the city who is charged with employment of people and who willfully fail to give preference as provided herein is subject to prosecution for the commission of a misdemeanor under applicable state or federal law.

Paragraph 3. Verifying Veterans' Preference.

Preference for veterans shall be allowed to persons who submit a copy of their discharge form (DD214) prior to the application deadline date.

ARTICLE II ESTABLISHMENT OF REGISTERS

Section 1. - City Human Resource Director to Establish and Maintain Registers.

Paragraph 1.

It shall be the duty of the Department/Division Head of each department to notify the Director of Human Resource as far in advance as possible of vacancies which may occur in the department. The Human Resource Director shall be responsible for determining the adequacy of existing registers for all positions.

Section 2. - Preparation of Registers.

Paragraph 1.

After examination, the Human Resource Director shall prepare the register of candidates who meet the minimum qualifications for the job.

Section 3 - Duration of Registers

Paragraph 1.

Eligible registers shall automatically expire no later than one (1) year after the date established unless the Personnel Advisory Board, for good reason which shall be recorded in its minutes, shall extend the time.

Paragraph 2.

Whenever a register is exhausted or replaced, the Human Resource Director shall give written notice to each City Department and each eligible remaining on the register at the person's last known address.

Section 4 - Removal of Names from Registers

Paragraph 1.

The Human Resource Director may remove the name of an eligible from a register:

- (a) For any of the causes shown under "Disqualifications of Applicants" in Article I - Examinations, of these Regulations;
- (b) On evidence that the eligible cannot be located by postal authorities;

- (c) On receipt of a statement from the eligible declining an appointment, and stating that the person no longer desires to be considered for a position with a department;
- (d) If two (2) offers of probationary appointments to the class for which the register was established have been declined by the eligible, unless the person submits in writing reasons sufficient in the judgment of the Personnel Advisory Board to justify the previous refusals of appointment.

Paragraph 2.

The Human Resource Director shall notify the eligible by first class mail sent to the person's last known address of the removal from the register and the reasons therefore. An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the Human Resource Director, or in accordance with a decision of the Personnel Advisory Board upon a written appeal.

Section 5 - Reappointment Register

Paragraph 1.

The Human Resource Director shall maintain a re-appointment register containing the names of former regular employees whose separation from the city's employ was for reasons other than for cause, and it shall have precedence over other registers. It shall be maintained by the Human Resource Department, and shall show the name, address, telephone number, department and title of the last Career Service position held. A former employee listed on a reappointment register shall be eligible for appointment to any position on the same or lower salary grade for which the person is qualified. Persons whose separation from the career service was for cause may not be placed on a reappointment register.

ARTICLE III

CERTIFICATION OF ELIGIBLES FROM REGISTERS

Section 1 - Requests for Certification.

Paragraph 1.

If a vacancy occurs in any position in any City department, or if new positions are established and new employees are needed, a written request may be submitted by the Department/ Division Heads to the Human Resource Director upon the prescribed form. This request shall state the number of positions to be filled in each class, identifying each class title, together with other pertinent information as determined by the Director.

Section 2 - Certification from Registers.

Paragraph 1. Certification methods:

- (a) Upon receipt of a proper requisition, the Human Resource Director shall certify and submit, in writing, to the Department/Division Head, the names of all available persons who meet the minimum qualifications of the job from the most appropriate eligible registers.
- (b) An eligible who accepts a probationary or regular appointment, shall, by such acceptance, be deemed to have authorized the removal of that person's name from any existing City register.
- (c) Any provision for retention on registers, admission to examinations, or transfers between City departments by Career covered employees shall be provided for in the Career Systems Procedures.
- (d) An eligible may be considered unavailable if the Human Resource Director fails to receive a reply within five (5) days to a certified letter sent to the person's last known address.

ARTICLE IV

GRIEVANCE - APPEAL PROCEDURE

Section 1 - Purpose.

The purpose of this Article IV is to provide a process to hear, review, resolve and, if appropriate, remedy specified grievances for covered career service City employees. The City employees covered by this Article IV are full and part time employees except for the employees defined in Section 2.62.020 paragraph A. of the Murray City Municipal Code, as amended.

It is the intent of the process provided in this Article IV to resolve grievances at the lowest level of the line of authority. Accordingly, a covered City employee must exhaust each step of the process provided in Article IV before proceeding to a hearing before the Personnel Advisory Board, the Appeal Board or a State Court.

If a grievance is covered specifically by other ordinances, or policies, such as claims of discrimination, the procedures for the specific grievance shall be followed as defined in the applicable ordinance or policy.

Section 2 - Definitions

1. Grievance

A grievance is defined as the written complaint of an employee to the respective Department Head or the Human Resource Director concerning a working condition which has allegedly caused an injury, injustice, or wrong to the employee. All grievances must be made in writing on an approved form and must state clearly the reasons for the grievance, the people directly involved, and a desired solution to the problem. After exhaustion of administrative steps, all grievances shall be heard by the Personnel Advisory Board except for those within the review authority of the Appeal Board involving discharge, suspension without pay of more than 2 days or involuntary transfer from one position to another with less remuneration.

Section 3 - Protection and Representation.

1. All covered Career Service employees shall be assured freedom from restraint, interference, discrimination, or reprisal as a result of pursuing the procedures described in this Article IV.

2. At each level of a grievance or appeal, employees may represent themselves or may be represented by one person of their own choosing.
3. The Human Resource Director shall be responsible to ensure that all parties to any appeal or grievance are protected according to this policy and that this policy is observed. The Human Resource Department may also assist the parties concerned at any time to clarify policy, recommend solutions, or assist in clearing up misunderstandings.

Section 4 - Grievance Procedure.

1. It is the policy of the City to adjust grievances of employees promptly and fairly and to do so within the framework of existing laws and regulations. Every effort shall be made to adjust grievances in a manner mutually satisfactory to employees and management. Any employee who alleges inequitable treatment due to some employment condition may personally, or through a representative, seek relief from that condition. In any grievance not involving discharge, suspension without pay for more than 2 days or transfer, the following procedures shall be followed:

Section 5 - Appeals to the Personnel Advisory Board.

1. The Personnel Advisory Board has jurisdiction to hear appeals from individuals or groups in matters arising from alleged discrimination, City Policy infractions, matters pertaining to the establishment and maintenance of registers, examinations, examination rejection, examination ratings, removal from register, and position classifications. Any applicant whose application for admission to an entrance examination has been denied due to a lack of minimum qualifications, may appeal that denial to the Personnel Advisory Board, which shall consider the appeal according to this Article IV. The Personnel Advisory Board's decision with respect to any such appeal shall be final. As provided in this Article IV, the Personnel Advisory Board does not have jurisdiction over appeals involving discharge, suspensions of more than 2 days without pay or transfer to a position for less remuneration. All appeals must be filed in writing on approved form with the department head and the Human Resource Director.

- Step 1. The employee shall complete and submit the grievance form to the immediate supervisor and the Department Head within five (5) working days after the occurrence of the event which is the basis for the grievance. Within five (5) working days, after receiving the grievance, the Department Head shall, after consultation with the related supervisor, invite the employee in to discuss the problem and render a decision.

If the grievance involves the Department/Division Head, the employee may bypass Step 1 and go directly to Step 2.

- Step 2. If no satisfactory agreement is reached after Step 1, and it is necessary to carry the grievance further, the interested parties shall within five (5) working days, submit the grievance form and request, in writing, review by the Human Resource Director. The Human Resource Director may, if deemed necessary, conduct an investigation of the grievance. Within 20 calendar days from receipt of the grievance, the Human Resource Director shall provide a recommendation to the employee's Department Head. The Department Head shall provide a decision to the employee within 10 calendar days from receipt of the recommendation by the Human Resource Director.
- Step 3. If no satisfactory agreement is reached after Step 2 and it is necessary to carry the grievance further, the interested parties have the right to have the matter heard on appeal before the Personnel Advisory Board. The written grievance form shall be completed and forwarded to the Human Resource Director within five (5) working days from the date of the Department Director's final decision under Step 2.
- Step 4. Within twenty (20) calendar days after receipt of a written request for a hearing on appeal, in matters within its jurisdiction, the Personnel Advisory Board shall review the appeal, schedule and hold a hearing, and submit a decision in writing to the employee making the appeal.
- Step 5. An aggrieved employee or the employee's Department Head may appeal the decision of the Personnel Advisory Board to the Mayor by filing written notice within five (5) working days following receipt of the decision. The Mayor shall, after review of the record, including the hearing before the Personnel Advisory Board, make a decision within 30 calendar days after receipt of the appeal. The Mayor's decision shall be final.

Section 6 - Appeals, involving suspension for more than two (2) days without pay, discharge or transfer to a position of less remuneration - Creation of Appeal Board - Procedure.

1. There is hereby created an Appeal Board to consist of five (5) members, two (2) of whom shall be selected by the Employee's Association Officers and Department Representatives, and three (3) selected by the Mayor, one (1) of whom shall be an appointed department/division head.
2. No member of the Appeal Board may be employed by or administer the department/division for which the appealing employee works, nor be related to the appealing employee as defined in the City's nepotism policy.
3. In the first scheduled meeting in January or as needed, the Employees' Association officers and department representatives shall each choose one (1) person from their respective department. The individuals chosen shall then be placed upon an eligibility list to serve on the Appeal Board. This list shall be in rank order according to the number of votes received.
4. For each appeal hearing, those employees who have received the most votes from the Employee's Association representatives and who are not excluded by reason of Paragraph 2 above shall be appointed to the Appeal Board.
5. In all cases involving suspension for more than two (2) days without pay, discharge or transfer from one position to another for less remuneration of an employee for any reason, the employee shall have the right to appeal such discharge or transfer in accordance with Section 10-3-1106, Utah Code Annotated, 1953.
6. All appeals involving an employee's discharge, suspensions without pay for more than 2 days or transfer to a position of less remuneration shall be conducted according to the following procedure:
 - (a) The appeal shall be taken by filing a written notice of such appeal with the City Recorder within ten (10) calendar days. Upon the filing of such appeal, the City Recorder shall transmit a copy of the notice of appeal to the Appeal Board. Upon receipt of the referral from the City Recorder, the Appeal Board shall promptly commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for such discharge, suspension without pay for more than 2 days or transfer.

- (b) The employee shall be entitled to appear in person and to be represented by counsel, to have a public hearing, confront witnesses whose testimony is to be considered and to examine the evidence to be considered by the Appeal Board.
- (c) Each decision of the appeal board shall be by secret ballot, and shall be certified to the recorder within 15 calendar days from the date the matter is referred to it, except for good cause, the Appeal Board may extend the 15-day period to a maximum of 60 calendar days, if the employee and the Department Head both consent.

If the Appeal Board finds in favor of the employee, the Appeal Board shall provide that the employee shall receive the employee's salary for the period of time during which the employee is discharged or suspended without pay; or any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

- (d) A final action or order of the Appeal Board may be appealed to the Utah Court of Appeals by filing with that court a notice of appeal. Each notice of appeal shall be filed within 30 calendar days after the issuance of the final action or order of the Appeal Board. The Utah Court of Appeals' review shall be on the record of the Appeal Board and for the purpose of determining if the Appeal Board abused its discretion or exceeded its authority.

ARTICLE V APPOINTMENTS

All appointments provided for under this article, which are subject to fiscal control by each department, are subject to approval by the Human Resource Director.

Section 1 - Probationary Appointments.

Paragraph 1.

All appointments to positions in the City Career Service exclusive of exempt positions shall be made through a Request for Eligibles and in accordance with these regulations. Exclusive of the names of those persons who failed to answer or who declined appointment; and exclusive of those names to which the Department/Division Head offers an objection, in writing, based on the reasons for "disqualification of applicants" for examination, when such objection is sustained by the Human Resource Director.

Paragraph 2.

In selecting persons from among those certified, the Department/Division Head shall be permitted to examine copies of the job applications and other information in the possession of the director regarding those certified, and may also interview any or all of those certified. Final selection, reports of interviews, unavailability of applicants, and notification to eligibles shall be reported, in writing, by the Department/Division head to the Human Resource Department.

Paragraph 3.

If the eligible selected declines the appointment, evidence of declination and other such data shall be transmitted to the Human Resource Office. An individual may be considered by the Department/Division Head as having declined appointment if the person fails to reply within five (5) days after the mailed written inquiry, or within forty-eight (48) hours after the transmission of a telephone inquiry. If an eligible accepts an appointment and fails to report for duty at the time and place specified without sufficient reason as determined by the Department/ Division Head, the person shall be deemed to have declined appointment, and that name shall be removed from the applicable register.

Section 2 - Temporary Appointments.

Paragraph 1.

If an employee is needed for a temporary period, the administrative officer shall:

- (a) Request approval for rehire of a former regular or probationary employee, or
- (b) Request a certification from the register of those eligible for temporary appointments.

Paragraph 2.

- (a) Certifications and appointments from the register shall be made in the same manner as prescribed in these regulations. A temporary appointment shall be limited to the period of need. In no event shall a temporary appointment continue for more than six (6) months in any one twelve (12) month period.
- (b) The acceptance or refusal of a temporary appointment shall not affect an eligible's standing on a register or eligibility for probationary appointment, and the period of temporary service shall not constitute a part of a probationary period if the person is regularly appointed. Successive temporary appointments to the same position may not be approved by the director and may not be made, nor may a new employee receive continued temporary appointments in any one department.
- (c) A special temporary replacement in a regular position temporarily vacated due to an approved leave of absence may be authorized not to exceed twelve (12) months.

Section 3 - Provisional Appointments.

Paragraph 1.

If, in the opinion of the Department/Division Head of the department, there are urgent reasons for filling a position and the Human Resource Director is unable to make adequate certification from an appropriate register, and no person is eligible and available for reassignment, rehire, reinstatement, reclassification, or promotion to such position, the Department/ Division Head may submit the names of persons and request their certification for provisional appointment.

Paragraph 2.

If the Human Resource Director certifies that an individual meets the minimum qualifications as to training and experience for the position, that person may be provisionally appointed to fill the existing vacancy until an appropriate register is established and appointment made therefrom. No provisional appointment shall be made until the position has been classified and minimum qualifications have been established, in accordance with these regulations.

Provisional appointments are subject to the following restrictions and conditions:

- a. A provisional appointment may not be continued longer than thirty (30) calendar days after an appropriate register has been established for the class of position, and in no event may the provisional appointment continue for more than the length of the probationary period;
- b. That an examination for the class has been announced, that there is continuous positive recruitment, that the Human Resource Director rules that sufficient applicants have not filed to assure adequate competition, and that examination is to be held whenever enough applicants have filed to assure adequate competition.
- c. Successive provisional appointments of the same person shall not be permitted, and a position shall not be filled by repeated provisional appointments.
- d. The period of provisional appointment immediately prior to appointment in accordance with these regulations shall be credited toward the probationary period.

Section 4 - Emergency Appointments

Paragraph 1.

Whenever an emergency exists which requires the immediate services of one or more persons, and it is not feasible, as determined by the City department head, to secure such persons through the usual Career Service provisions, the Department/ Division Head, with the approval of the Human Resource Director, may appoint a person or persons without regard to other provisions of these regulations governing appointments.

Paragraph 2.

In no case, however, shall the same person be appointed for more than a total of thirty working days during any twelve (12) month period. Each emergency appointment shall, when appointment is made, be reported by the Department/Division Head of the City department to the Human Resource Office.

Section 5 - Seasonal Appointments.

Paragraph 1.

For the purpose of obtaining qualified and trained persons for seasonal service in meeting recurring seasonal staffing needs, the Department/Division Head shall request recruitment through the Human Resource Office when a rehire is not available. Certification from a register is not required. Therefore, the names of all qualified applicants shall be submitted to the Department/Division head for consideration.

Paragraph 2.

Temporary or Seasonal: An employee who is hired for a specific period of time and is not expected to establish a continuity of services. It is expected that most seasonal employees should not remain in temporary job status longer than 6 months, but in no event work for more than 1560 hours within any one calendar year. The minimum hiring age is usually 16 years of age.

Paragraph 3.

Seasonal staffing needs shall be reported, in writing, by the Department/Division Head of the City department to the Human Resource Director thirty (30) days prior to the actual appointments.

Paragraph 4.

Seasonal appointments are not entitled to insurance, retirement, vacation, sick leave or other benefits afforded Career Service employees.

ARTICLE VI

PROBATIONARY PERIOD

Section 1. Nature, Purpose, and Duration

Paragraph 1.

All probationary appointments shall be made for a period of six months of employment, as provided by regulations with the approval of the Human Resource Director. The probationary period shall be utilized for the most effective adjustment of a new employee, and for the elimination of any probationary employee whose performance does not meet the required standard of work.

Section 2. Conditions Preliminary to Regular Appointment

Paragraph 1.

Regular appointment of a probationary employee shall be based upon an evaluation, in writing, and shall begin with the date ending the probationary period. Notice of regular appointment shall be furnished to the employee and to the Human Resource Director's office. If it is determined within the probationary period that the services of the employee have been unsatisfactory, the employee shall be notified in writing of the date services are to be terminated, and the reasons therefor, and a copy of such notification filed with the Human Resource Office. Continuation in a position after the expiration of a probationary period shall constitute regular employment.

Section 3. Dismissal During Probation

Paragraph 1.

At any time during the initial new hire probationary period, an employee may be separated from the service of the city without the right of appeal or hearing, but the reasons given for the dismissal shall be submitted in writing to the employee and to the Human Resource office for permanent record.

Paragraph 2.

A name of a person dismissed during the probationary period shall not be returned to the eligibility register unless approved by the Human Resource Director, which decision shall be based on individual circumstances of each case.

Section 4. Extension of Probationary Period

Paragraph 1.

Upon the written recommendation of the department head and the approval of the Human Resource Director, the probationary period may be extended for training purposes for a period of not more than six months. The department head may recommend regular appointment or dismissal at any time during the extended probationary training period.

ARTICLE VII

PROMOTION, DEMOTION, TRANSFER, RECLASSIFICATION

Section 1. Promotions

Paragraph 1. Posting

In order to give qualified Murray City employees proper consideration when a vacant position exists, the Human Resource Director shall post notice of the vacancy on the bulletin boards of all city departments and any major subdivisions thereof. The notice shall contain the title of the vacant position, the pay range, and the requirements of the position and shall remain posted for five working days.

Paragraph 2. Bidding

Employees who desire to bid for an available position must apply in writing on the prescribed form to the Human Resource Director within the five-day posting period; following the five-day period, eligibility will be determined according to Paragraph 3 of this section.

Paragraph 3. Bidding Eligibility

All Murray City employees who are classified as full time, part time, seasonal or temporary shall be afforded an interview with the hiring authority, if they meet the minimum qualifications, as determined by the Human Resource Director or designee.

Paragraph 4. Bids for positions in the same or lower class

See Section 2.62.025 of the Murray City Municipal Code. Employees who bid on and are selected for a position of a lower grade shall move to the same percent of midpoint in the lower grade with the appropriate decrease in compensation. Employees who bid on and are selected for positions of the same grade shall stay at the same percent of midpoint within that grade.

Employees who are promoted shall be placed at 81% of mid point of the new grade or receive a 5% increase, whichever is greater. If the promotion changes the employee status from non exempt to exempt or the new job classification is increased three (3) or more grades, the employee shall be placed at 81% of the mid point of the new grade or receive a 10% increase, whichever is greater.

The promoted or transferred employee shall complete a six (6) month probation period, to include a performance evaluation. The completion date of the probationary period will now become the employees new annual performance evaluation date.

At the satisfactory completion of the 6 month probationary period, the promoted or transferred employee may be eligible to receive a merit increase immediately based upon their job performance and where they are in the pay range.

Paragraph 5. Selection of applicants

The Human Resource Director will refer all applicants who meet the minimum qualifications for the job to the hiring authority. The hiring authority may review the applicants' personnel folder and all pertinent information and if deemed necessary, applicants may be given a competitive examination to determine the most qualified person for the position. Development of methods of testing and review of each applicant shall be the responsibility of the Human Resource Director and/or the hiring authority and is subject to review by the Personnel Advisory Board. All examinations shall be impartial, fair, and practical and designed to test the relative qualifications and fitness of applicants to discharge the duties of the particular position which is to be filled. The applicable Department/Division Head has the authority to make the final selection.

Paragraph 6. Probation period for promoted employees

All promoted employees shall serve a probation period, the nature of which shall be:

- A. Regular full-time Career Service employees who are promoted shall receive compensation as specified by the city pay policy and shall serve a six-month probation period for the purpose of training and effective adjustment to the responsibilities of the new position. The probationary period may be extended for training purposes.

An extension for training shall not last more than six months. The department head may recommend regular appointment at any time during the extended probationary period. The employee shall retain all rights of regular employment and tenure during this probation period.

- B. Regular seasonal, temporary, or part-time employees, and employees serving an initial probationary period, who are promoted shall receive compensation as specified by the city pay policy and shall serve a probation period for the new position equivalent to that for new city employees as defined by Article VII of these regulations.

Paragraph 7. Unsuccessful promotions (full-time Career Service employees)

If a promoted full-time Career Service employee fails to meet the requirements of probation, the employee may at the discretion of the Human Resource Director and department head:

- A. Return to the previous position held if the employee has had a good work record and is in good standing with the department from which the employee was promoted, or
- B. Be placed in a position of similar classification to the one held prior to promotion, as a vacancy occurs for which the employee qualifies.

Section 2. Demotions

Paragraph 1.

The appointing authority may demote an employee for inefficiency or other causes justifying dismissal. If the demotion is not within the same series, the appointing authority shall request the Human Resource Director to certify that the employee meets the minimum qualifications for the new position.

Paragraph 2.

A demotion for inefficiency or for other justifiable causes shall be supported by adequate documentation of prior warnings to the affected employee. What constitutes sufficient documentation shall be determined by the Personnel Advisory Board and shall be based on the number and seriousness of recorded employee offenses. Supervisors shall observe these rules in determining when demotions are justified.

Section 3. Transfers

Paragraph 1.

A transfer shall occur when at the request of the department head an employee is transferred from one position to another within the city.

Rev 7/00

Paragraph 2.

An employee may be transferred to another position for reason of training, shortage of funds, or department reorganization.

Paragraph 3.

When an employee transfers from one department to another, the employee should start work with the new department no later than two weeks from the date of approval of said transfer. If possible, the actual transfer date should be at the beginning of a new pay period.

ARTICLE VIII SEPARATIONS

Section 1 - Resignations

Paragraph 1.

An employee who resigns shall present the reasons therefor, in writing. A copy of the resignation shall be forwarded to, and recorded by, the Department/ Division Head of the department. A copy of, or notification of resignation, shall be filed promptly with the City Human Resource Department. *Refer to Executive Order #86-5 dated 11/24/86, for complete details concerning discipline/discharge procedures.

Section 2 - Suspensions, Dismissals, Demotions, Reductions in Pay

Paragraph 1.

An employee holding a regular appointment in the City Career Service may be demoted, reduced in pay, suspended, or dismissed for any of the following:

- (a) Violation of the City Employees' Career Service Rules and Regulations.
 - (b) Neglect of duty.
 - (c) Disobedience of a reasonable order by any supervisor
 - (d) Inefficiency or inability to satisfactorily perform assigned duties.
 - (e) An act hostile to public service.
6. The City has an interest in ensuring that employees maintain necessary job qualifications and avoid behavior, job performance, or lack of action which disrupts the workplace, undermines the authority of management, impairs close working relationships, or otherwise impedes a safe, efficient, and effective workplace environment.

Paragraph 2.

No employee may be suspended for more than fifteen (15) calendar days at one time, nor for more than thirty (30) calendar days in one (1) calendar year.

Paragraph 3.

No employee may be removed from employment by means of job reclassification or a transfer of job function which occurs primarily for the purpose of dismissing the employee.

Paragraph 4.

Demotion, reduction in pay, suspension, or dismissal shall be made only upon written order of the appointing authority setting forth specifically the reason for such action.

Paragraph 5.

PRE-DISCIPLINARY CONFERENCE: For regular status employees, the process involves a pre-disciplinary conference whereby the employee is (1) given written notice of the charges; (2) the employee is given an explanation of the evidence supporting the charges; and (3) the employee is given the opportunity to present the employee's side of the story.

Next, the employee should be told that the department/division head will consider all the facts and notify the employee of the final decision. Depending on the circumstances and facts to be compiled and considered, suspension may be appropriate during this time. If the decision is to terminate employment, a final letter of that decision, the charges supporting that decision, together with information notifying the employee of appeal rights should then be given to the employee.

Paragraph 6.

Upon ordering the suspension or dismissal of any employee, the department/division head ordering the same shall file written charges with the Human Resource Department, and serve the employee a copy thereof, either personally, or by certified mail sent to the employee's last known address. Within ten (10) days after service, the employee may file a written appeal to the Appeals Board in accordance with procedures described in Article V - Appeals.

Section 3 - Lay-Offs

Paragraph 1.

If it is necessary to reduce the number of employees in a city department due to lack of work or lack of funds, the city shall, whenever possible, attempt to

minimize lay-offs by readjusting personnel by assigning the employee to duty in other departments. If lay-offs are necessary, emergency, temporary, and probationary employees shall be laid off first. Lay-off of any regular employee shall be in reverse order of the combination of the most current performance evaluation(s) and seniority. Each factor shall be given equal weight.

Paragraph 2. - Severance Pay

When regular full-time employees are laid off through no fault of their own, they will be eligible to receive severance pay as follows:

Employees which have one to two years' regular full-time employment shall be entitled to the equivalent of ten (10) days' prorated pay.

If the employee is laid off after more than two years' employment, in addition to the severance pay described above, the employee shall also receive an additional amount equal to five prorated working days for each year of service in excess of two years, up to a maximum of thirty (30) days. Severance pay is in addition to any comp time, vacation and/or sick leave benefits accrued and owing the employee at the time of layoff.

Section 4 - General Re-employment Lists

Paragraph 1.

For each class of position, the Human Resource Director shall maintain a general re-employment list, consisting of the names of persons who have occupied positions in that class in the classified service with regular status, and who have been separated from city employment for reasons other than for cause, and who have made written application to the City to have their names placed on an appropriate re-employment list. Names shall be placed on the re-employment lists in order of seniority of service at the time of separation. The names on the re-employment lists shall expire individually at the conclusion of one year unless extended by action of the Human Resource Director. However, a person's name may not be kept on a re-employment list longer than three years after the person ceased to work for the city.

Section 5 - Acting in Position

Paragraph 1.

If a regular employee is temporarily assigned to perform the function of a position in a higher grade, it is not necessary that the person meet the minimum

requirements of the temporary position, provided the person does not serve longer than six (6) months before either qualifying for the higher position and is regularly promoted under the provisions of these regulations, or the position is otherwise filled in compliance with these regulations.

Upon approval of the Department/Division Head, an employee acting in position for at least 30 calendar days may receive a temporary pay adjustment of up to the minimum of the higher grade or a 5% increase, whichever is greater, if the job classification difference is less than three (3) grades higher. A 10% increase may be given if the job classification is three (3) or more grades higher. The pay adjustment shall be effective and retroactive back to the date the employee started working out of classification.

ARTICLE IX

REHIRE, REINSTATEMENT, TENURE, AND STATUS

Section 1 - Rehire

Paragraph 1.

The following persons who have resigned while in good standing or who have been separated from city employment for reasons other than for cause are eligible for rehire, if certified by the Human Resource Director to meet the current minimum qualifications for the class of position for which the former employee is being appointed:

- (a) A probationary employee shall be eligible for rehire in the former class of position with temporary or probationary status.
- (b) A regular employee shall be eligible for rehire with temporary, seasonal, probationary, or regular status, such status being at the option of the Department/Division Head.
- (c) A temporary employee shall be eligible for rehire in the former class of position with temporary status.

Section 2 - Reinstatement

Paragraph 1.

A regular or probationary employee on leave of absence without pay shall be eligible for reinstatement to the former status and class of position in the department without regard to other provisions of these regulations. A regular employee may be reinstated to a position having a different job classification than that of the position formerly occupied, if certified by the Human Resource Director to meet the current minimum qualifications for the class of position to which the former employee is being appointed.

Section 3 - Tenure of Office

Paragraph 1.

The tenure of office of every regular employee shall be during good behavior and the satisfactory performance of duties as recorded by performance ratings in accordance with Article XIII of these regulations. This provision, however, shall not be

interpreted to prevent the separation of an employee for cause, or the separation of an employee because of the lack of funds or curtailment of work, or the operation of a retirement program when made in accordance with these regulations, or the separation of a probationary employee without hearing or appeal except where discrimination is alleged.

Section 4 - Retirement

Paragraph 1.

- (a) At their discretion, employees, may choose to retire any time after they are eligible under provisions of the retirement act.
- (b) Unless otherwise provided by Utah law, any officer or employee who desires to retire shall serve a written notice declaring that intent upon the appointing authority.

Section 5 - Like Penalties for Like Offense

Paragraph 1.

In cases involving dismissals for cause and other punishments, like penalties shall be imposed for like offenses.

Section 6 - Acting Capacity Limited to Six Months

Paragraph 1.

No persons shall fill a position in acting capacity for longer than a six (6) month period.

Section 7 - Career Service Status Retained Without Further Examination

Paragraph 1.

An employee of a City department who has attained Career Service status under the provisions of these Rules and Regulations, shall retain such status without further examination.

ARTICLE X

EFFECT OF REVISION IN SPECIFICATIONS ON STATUS OF REGULAR AND PROBATIONARY EMPLOYEES

Section 1.

Paragraph 1.

A revision in the minimum qualifications of a job description shall not affect the job status of any probationary or regular employee in that class of position in the service or on leave of absence.

Section 2.

Paragraph 1.

When the duties of a position are found to be inconsistent with the job title under which the employee is serving, or when the duties of a position have so changed that they no longer conform to the job title under which an employee is being paid, a reallocation of the position shall be made in accordance with Career Service Regulations. Following reallocation of the position, the department shall request the Human Resource Director to certify whether the employee meets minimum requirements for the job description to which the job is reallocated, unless such action is a demotion or reassignment within the same series of positions.

ARTICLE XI PERFORMANCE RATINGS

Section 1 - Purpose of Performance Ratings

Paragraph 1.

The Human Resource Director shall establish and make effective a system of performance ratings designed to give a fair evaluation of the quality and quantity of work performed in all departments. Such ratings shall be prepared and recorded for all probationary and regular employees at regular intervals, not to exceed twelve (12) months. Performance ratings and length of service shall, together with other criteria, be considered in determining salary advancements and in making promotions, reassignments, reclassifications, demotions, and separations. Each employee shall be furnished a copy of his performance rating. All employees' ratings shall be reviewed and signed by the employee.

Paragraph 2.

All employees of the City are entitled to an evaluation where practicable by two supervisors independent and separate from each other. This evaluation will be made:

- (a) Upon successful completion of a six-month probationary period;
- (b) Upon the employee's one year anniversary date and each succeeding anniversary date. At least one person conducting the evaluation must review the evaluation with the employee and obtain the employee's signature as verification.

Paragraph 3.

If an employee disagrees with their supervisor(s) rating(s) and they cannot come to a mutual understanding, the employee has the option of providing a written response on the evaluation form itself or on an accompanying document and/or request a meeting with the Department Head to discuss the area(s) in question.

After said discussion, the Department Head will evaluate all facts from both the supervisors and employee and make a final decision on the employee's performance rating(s) in question.

ARTICLE XII
CERTIFICATION OF DEPARTMENT PAYROLLS

Section 1.

Paragraph 1.

The Human Resource Director shall examine payrolls from time to time to determine that they conform with the city ordinances and these Career Service Rules and Regulations.

Paragraph 2.

No new employee may be hired in a position covered by these regulations, and no employee may be changed in pay, title, or status, nor shall any employee be paid any compensation by the city unless the employee has been certified by the Human Resource Director as being eligible under these Career Service Rules and Regulations and other applicable law.

ARTICLE XIII
RECEIPT OF IMPROPER FORMS

Section 1.

Paragraph 1.

Upon receipt of any form from a department which is not properly executed, or is not in accordance with these regulations, the Human Resource Director shall take no action other than to notify the department of the deficiencies.

ARTICLE XIV

COOPERATION WITH OTHER MERIT SYSTEM DEPARTMENTS

Section 1 - Recognition of Registers or Merit System Status in Comparable Jurisdictions

Paragraph 1.

Upon written request from a department asking for recognition of an appropriate register or Career Service System status for a class of position established under another merit system operating in conformity with these regulations, the Human Resource Director may require any available applicants to compete on an open-competitive basis, or the Director may:

- (a) Determine whether the other merit system operates under a standard comparable to the Murray City Career Service system and obtain specific information regarding the minimum qualifications met by the applicant in that other jurisdiction.
- (b) Approve the request for a probationary appointment if the Director determines that:
 - 1. The other merit system operates under comparable standards to the Murray City Career Service system.
 - 2. The class of position in the other jurisdiction is reasonably equivalent to the position to which an appointment is requested under the Murray City Career Service system.

Section 2 - Certification to other Jurisdictions

Paragraph 1.

Upon request for certification from any federal, state, county, or municipal career service jurisdiction regarding an employee whose name appears on a Murray City merit system register, or that of a former Murray City employee, the Human Resource Director shall make such certification if the City Career Service records show that the person is both eligible and available for appointment under the City's Career Service system.

ARTICLE XV

POLITICAL ACTIVITY AND "FLOWER FUNDS"

See Section 2.62.060 of the Murray City Municipal Code for complete details.

ARTICLE XVI
VIOLATION OF THESE RULES AND REGULATIONS

Section 1

Paragraph 1. Penalties

Violations of the provisions of this ordinance shall be grounds for suspension or discharge from the Career Service.

Paragraph 2.

Any person who has violated any provision under this chapter shall, for a period of five years, be ineligible for employment in the Career Service. If an appointed officer or employee of the City government, the person shall forfeit his or her office or position.

ARTICLE XVII

EXIT INTERVIEWS AND LAST DAY WORKED

Section 1 - Exit Interview Form

Prior to the last day of work, the supervisor should give the employee an Exit Interview Form for use during the Human Resource Department's exit interview on the last day of work.

Copies of the completed Exit Interview Form will be sent to the Mayor and the employee's Department/Division Head for their information and review.

Section 2 - Supervisors responsibility on final day of work

On the employee's last day of work, the supervisor should obtain possession of any City property the employee may still have and direct them to the Human Resource Department at the prearranged time for the exit interview.

Items to be collected or processed by the supervisor:

- a. Keys, books, manuals
- b. Cancel computer access authorization codes
- c. Telephone I.D. code
- d. Tools, equipment, supplies, clothing, and other City property
- e. Employee I.D. card
- f. Credit cards

Section 3 - Exit Interview

The exit interview is designed to give the employee a chance to speak freely concerning reasons for leaving the City. There will be times that the reasons given will not be the "real" reasons. In most cases, however, the person leaving the job will be straightforward and not hesitate to explain the reason(s) for leaving. Information obtained in this way, if properly evaluated, is useful in focusing on any possible unfavorable aspects of the job. Appropriate corrective action can then be taken to help reduce future turnover in our workforce.

Items to be reviewed during Exit Interview:

- a. Collect prepaid tuition reimbursement
- b. Insurance conversion and benefits continuation rights (COBRA)
- c. Final pay provisions
- d. Forwarding address

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MURRAY CITY CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

(Revised Edition)

Adopted pursuant to Section 10-3-1006 Utah Code Annotated
1953, as amended

COMMISSIONERS

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CIVIL SERVICE COMMISSION RULES AND REGULATIONS

Section 1 Definitions	1
Section 2 - General Provisions	
2-1 Objective	4
2-2 Application of Rules	4
2-3 Obligations	4
2-4 Cooperation	4
2-5 Conditions of Employment	5
2-6 Basis for Appointment	5
2-7 Administrative Rules to be Equitable	5
2-8 Discrimination Forbidden	5
2-9 Political Activity Forbidden	5
2-10 Grievances between Labor and Management	5
2-11 Records, Personnel Files	5
2-12 Record Retention	5
2-13 Personnel Files	6
2-14 Reports	6
2-15 Notification of Address	6
2-16 Violation of Rules	6
2-17 Service	6
2-18 Time	6
2-19 Separability of Provisions	6
2-20 Health	6
2-21 Appeal of Medical Determination	7
2-22 Injury on the Job	7
2-23 Leave of Absence	7
Section 3 - Commission	
3-1 Organization	8
3-2 Meetings	8
3-3 Secretary to Committee	8
3-4 Powers and Duties	8
3-5 Citizens Complaints	8
3-6 Investigations	8
Section 4 - Recruitment of Personnel to Civil Service	
4-1 Recruitment	9
4-2 Content of Examination Announcements	9
4-3 Notice of Examination	9
4-3.1 Federal Police Corp Candidates	9
4-4 Application Forms	9
4-5 Photographs and Fingerprints	9
4-6 Notice to Accepted Applicants	9
4-7 Rejected Applications	9
Section 5 - Selection of Personnel	
5-1 Objective	10
5-2 Examinations	10
5-3 Subjects and Types of Test	10
5-4 Written Test	10
5-5 Oral Test	11
5-6 Performance Test	11

5-7 Experience and Training	11
5-8 Conduct of Tests, Examiners and Compensation	11
5-9 Disqualifying Offenses	11
5-10 Qualifying Grades and Rating Tests	12
5-11 Notification of Results	12
5-12 Promotional Test	12
5-13 Appeals	12
5-14 Eligible Lists	12
5-15 Veterans Preference Ranking	12
5-16 Verifying Veterans Preference	13
5-17 Firefighter Certification Preference	13
5-17.1 Paramedic Preference	13
5-17.2 Maximum Preference Points for Firefighter Candidates	13
5-18 Police Officer Certification Preference	13
5-19 Police Service Education Preference	13
5-20 Police Officer Preference/Experience	14
5-21 Maximum Preference Points	14
5-22 Preference Points	14
5-23 Life of Eligible Lists	14
5-24 Vacation of Eligible Lists	14
5-25 Disqualification and Removal from List	14
5-26 Request for Cancellation of Certification	15
5-27 Notification of Removal from List	16
5-28 Waiver of Certification	16
5-29 Eligibles Designation of Service	16
Section 6 - Appointment to the Service	
6-1 Manner of Filling Vacancies	16
6-2 Certification of Eligibles for Appointment	16
6-3 Order of Certification	16
6-4 Number of Names	17
6-5 Procedure with Insufficient Names	17
6-6 Appointment	17
Prior Service Credit	17
6-7 Provisional and Temporary Assignments	18
6-8 Temporary Appointments	18
6-9 Emergency Appointments	18
6-10 Seasonal Employees	18
6-11 Appointments to Vacancies	18
Section 7 - Probationary Period	
7-1 Objective	18
7-2 Release of Probationer	19
7-3 Probationary Period Reports	19
7-4 Leave During Probationary Period	19
7-5 Regular Appointment Following Probation	19
Section 8 - Performance Ratings	
8-1 Purpose of Performance Ratings	19
8-2 Performance Rating	20
8-3 Review by Commission	20
8-4 Basis for Merit	20

Section 9 - Changes in Employment Status	
9-1 Assignment within Civil Service	20
9-2 Promotion	21
9-3 Demotion	21
9-4 Suspension	21
Section 10 - Promotions	
10-1 Basis of Promotions	21
10-2 Types of Promotions	22
10-3 In-Rank Examination Scoring	22
10-4 Merit Ratings	23
10-5 Oral Ratings	23
10-6 Physical Examination for Promotions.	23
10-7 Notice of Promotional Examinations	23
10-8 Application for Promotional Examination	23
Section 11 - Disciplinary Responsibility, Grounds and Order	
11-1 Responsibility for Discipline	23
11-2 Uniform Penalties	24
11-3 Misconduct	24
11-4 Incompetency or Failure to Perform Duty	25
11-5 Disciplinary Orders	25
11-6 Service of Disciplinary Order	25
Section 12 - Separation from the Service	
12-1 Layoffs	26
12-2 Order of Layoff	26
12-3 Reversion to Lower Grade	26
12-4 Notice of Layoff	26
12-5 Severance Pay	26
12-6 Dismissals	27
12-7 Pre-Termination Conference	27
12-8 Order of Dismissal	27
12-9 Serving and Filing the Order of Dismissal	27
12-10 Resignations	27
12-11 Absence Without Leave	27
12-12 Rehiring Personnel	27
Section 13 - Appeals to the Civil Service Commission	
13-1 Time for Appeal	28
13-2 Form of Notice of Appeal	28
13-3 Time of Issuance of Order	28
13-4 Complaint	28
13-5 Answer	28
13-6 Extension of Time, Amendments and Subpoenas	28
13-7 Default of the Parties	28
13-8 Service on Counsel	29
13-9 Hearing	29
13-10 Admissibility of Evidence	29
13-11 Oath of Witnesses	29
13-12 Findings and Decision	29
13-13 Appeal to Court of Appeals	29
13-14 Applicants and Eligibles Appeal	29
13-15 How Taken, Time	29
13-16 Notice of Appeal	30

13-17 Powers of Commission	30
13-18 Hearing Procedure	30
13-19 Reporting of or Recording of Proceedings	30
13-20 Evidence	30
13-21 Swearing of Witnesses	30
Schedule A - In Rank Promotions in the Police Department	
Sergeant	
Lieutenant	
Captain	
Assistant Chief	
Records Supervisor	
Executive Secretary	
Animal Control Officer	
Schedule B - In Rank Promotions in the Fire Department	
Deputy Fire Marshal	
Captain	
Battalion Chief	
Assistant Chief	
Schedule C - Health Standards and Requirements	
Examination Requirements	
Age Requirements	
Education	
Height and Weight	
Vision	
Police Officers	
Firefighters	
Hearing - Police and Fire	
Schedule D - Psychological Standards and Requirements	
Schedule E - Interpretive Bulletin No I	

**MURRAY CITY CIVIL SERVICE
RULES AND REGULATIONS**

SECTIONS	PAGE
Section 1 - Definitions	1
Section 2 - General Provisions	4
Section 3 - Commission	8
Section 4 - Recruitment of personnel to the Civil Service	9
Section 5 - Selection of personnel	10
Section 6 - Appointment to the Service	16
Section 7 - Probationary Period	18
Section 8 - Performance Ratings	19
Section 9 - Changes in Employment Status	20
Section 10 - Promotions	21
Section 11 - Disciplinary Responsibility, Grounds & Order	23
Section 12 - Separation From the Service	26
Section 13 - Appeals to the Civil Service Commission	28
Schedule A- In-Rank Promotions - Police Department	
Schedule B- In-Rank Promotion - Fire Department	
Schedule C- Health Standards	
Schedule D- Psychological Standards	
Schedule E- Interpretive Bulletin No. 1	

MURRAY CITY CIVIL SERVICE

Section 1

DEFINITIONS

1.1. **Allocate.** The term "allocate" means officially to place in a given class.

1-2. **Application of Definitions.** For the purpose of these Civil Service Rules and Regulations the words and phrases defined in this section shall have the meanings in this section ascribed to them, unless it is apparent from the content that a different meaning is intended.

1-3. **Appointing Authority.** The term "appointing authority" means department head of the police or fire department.

1-4. **Appointment.** The term "appointment" means the designation of a person, by due authority, to become an employee in a position as provided for in these rules.

1-5. **Civil Service.** The term "civil service" means all positions in the Murray City Police and Fire Departments and employees who hold their positions in the respective department by virtue of and in compliance with the civil service law and these rules and regulations.

1-6. **Civil Service Law.** The term "civil service law" means the legislative enactment as set forth in the Utah Statutes on the subject.

1-7. **Class or Class of Positions.** The term "class" or "class of positions" means a group of positions established sufficiently similar in respect to duties and responsibilities that the same descriptive class title may be used to designate each position allocated to the class, that the same entrance qualifications may be required of incumbents in the class, that the same tests of fitness may be used to choose qualified employees, and that the same schedule of pay may be made to apply with equity under the same, or substantially the same, employment conditions.

1-8. **Class Specification.** The term "class specification" means a written statement describing the duties, responsibilities and entrance qualification standards of a class of positions.

1-9. **Class Title.** The term "class title" means the designation given under these rules to a class and to each position allocated to the class.

1-10. **Classification Plan.** The term "classification plan" means the plan of classification and grading of all positions in the Civil Service adopted as the same may be from time to time amended.

1-11. **Commission.** The term "commission" shall mean the Civil Service Commission as appointed by the Mayor and approved by the Municipal Council.

1-12. **Demotion.** The term "demotion" means a change in employment status from one class to another class having a lower range of pay.

1-13. **Due Regard for Length of Service.** Where other considerations are equal, an employee's seniority or accumulative length of service shall prevail in the determination of merit for purposes of appointment, promotion, transfer, retention, dismissal, or other action affecting an employee.

1-14. **Eligible.** The term "eligible" means a person whose name is on an appropriate eligible list and who is not ineligible for appointment for other reasons.

1-15. **Eligible List.** The term "eligible list" means a list of persons who are qualified under the law and these regulations for appointment to a position in the civil service, listed in the order of their determined merit and fitness for such position.

1-16. **Employee.** The term "employee" shall mean a person who is legally an incumbent of a position or who is on authorized leave of absence and whose position is held pending their return.

1-17. **Examination.** The term "examination" means an oral and/or written test or tests and the evaluation of the results thereof, used to determine the eligibility and the relative merit and fitness of candidates for appointment to a position in the civil service.

1-18. **Great Emergency.** Great emergency refers to any unusual and unforeseen circumstances of a grave nature which might reasonably interfere with a person's normal course of conduct and his usual pattern of behavior.

1-19. **Mayor.** The term "mayor" shall mean the duly elected mayor of Murray City, Utah.

1-20. **Municipal Council.** The term "municipal council" shall mean the Murray City Municipal Council.

1-21. **Position.** The term "position" means an office or place of employment in the civil service, having assigned or delegated duties with competent authority, requiring for the discharge thereof the full or part-time employment of one person qualified under these rules.

1-22. **Probation Period.** The term "probation period" shall mean a working test period during which an employee is required to demonstrate his/her fitness to the class to which he/she is appointed by actual performance of the duties of the position, before appointment shall be deemed to be regular status.

1-23. **Probationary Status.** The term "probationary status" shall mean the status of any employee who has been regularly appointed from an eligible list but who has not completed the probationary period provided in these rules.

1-24. **Promotion.** The term "promotion" shall mean a change in employment status to a higher rank with a higher range of pay.

1-25. **Provisional Employee.** The term "provisional employee" shall mean an employee who has provisional status.

1-26. **Provisional Status.** The term "provisional status" shall mean an employee who has been appointed to fill a position for which no eligible list exists and which status exists for a term limited as provided by these rules.

1-27. **Register.** The term "register" or "register of eligible candidates" shall mean the same as "eligible list" as herein defined.

1-28. **Regular Employee.** The term "regular employee" means an employee having regular status under these rules.

1-29. **Regular Status.** The term "regular status" means the status under these rules of an employee in a position in the civil service to which he/she has been appointed as provided in these rules and for which he/she has successfully completed the probationary period and who has been accepted as a regular employee in such position.

1-30. **Rules.** The term "rules" refers to the Civil Service Rules and Regulations of Murray City.

1-31. **Secretary.** The term "secretary" or "commission secretary" refers to the individual as appointed by the Commission.

1-32. **Suspension.** The term "suspension" shall mean the temporary separation from the service without pay of an employee for disciplinary purposes.

1-33. **Test.** The term "test" shall mean and include:

- a. Assembled Test: A written, oral, performance or physical test at a specified time and place at which applicants are required to appear for competitive testing under supervision, and/or
- b. Unassembled test: A test consisting of an appraisal of training, experience, work history, or any other means for evaluating other relative qualifications of applicants without the necessity for their appearing at a specified place.

1-34. **Transfer.** The term "transfer" shall mean a change of an employee from one position to another position in the same class or another class having similar duties, the same range of pay and similar employment standards.

1-35. **Veteran Preference.** The term "active duty" means active military duty and does not include active duty for training, initial active duty for training, or inactive duty for training.

A "Disabled veteran" means an individual who has: (a) been separated or retired from the armed forces under honorable conditions; and (b) established the existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the federal Department of Veterans Affairs or a military department.

"Preference eligible" means: (a) any individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated under honorable conditions; (b) a disabled veteran with any percentage of disability; (c) the unmarried widow or widower of a veteran; (d) a purple heart recipient; or (e) a retired member of the armed forces who retired below the rank of major or its equivalent.

Section 2 GENERAL PROVISIONS

2-1. **Objective.** It is the objective of these rules to establish, in compliance with applicable general law, a system of administrative policies and procedures by which appointment to and promotion, discipline, and continued employment within the civil service of Murray City shall depend on honest, efficient, loyal, energetic and generally meritorious service to the City and its inhabitants in accordance with the highest standards of public ethics, morality, and workmanship. To that end it is intended to protect the honest and efficient public servant from adverse discriminatory action whether from political or any other improper motive and thus to secure for the people the services of honest, efficient and experienced public servants. At the same time it is intended that the administrative officers shall have ample authority to correct where possible, and to remove when necessary, dishonest or inefficient employees without placing upon the administrators an impractical or unfair burden in discharging such unpleasant public duties. The objective and intent in its essence is to establish such personnel policies and procedures as will insure to the people of Murray the maximum in honest and efficient public service by attracting to and retaining in the City's civil service the most meritorious employees available.

2-2. **Application of Rules.** These rules shall apply to every employee in the civil service, which shall include all members of the Police and Fire Departments.

2-3. **Obligations.** All employees in the civil service shall render honest, efficient and economical service in the performance of their duties subject to the penalties invoked by these rules.

2-4. **Cooperation.** Every employee in the civil service shall cooperate with the Civil Service Commission in order to fulfill completely the objectives and purpose of these rules.

2-5. Conditions of Employment. No one shall be required as a condition of employment, appointment, transfer, promotion, or retention in service, to join any organization or association of employees.

2-6. Basis for Appointment; Promotion; Transfer; Retention, Dismissal. Appointments, promotions, demotion, transfer, retention in, or termination of, services with the civil service will be made on the basis of merit and efficiency, having due regard for length of service, where other considerations are equal.

2-7. Administrative Rules to be Equitable. The administration of the classification plan and the pay plan and all administrative rules and regulations with respect to the application of service ratings, and hours of work, vacation, attendance regulation and leaves of absence for any cause for employees in the civil service, and the order and manner in which layoffs shall be affected and similar matters of personnel administration shall be fair and equitable and shall have general application as to all employees within a given class insofar as such equal application is practical, having due regard to the primary objectives of these rules and the efficiency of the service.

2-8. Discrimination Forbidden. No person in the civil service or seeking admission thereto shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of age, disability, sex, race or political or religious opinion or affiliations and no attempt shall be made to ascertain the religious or political opinions or affiliations of any employee or applicant for employment in the civil service.

2-9. Political Activity Forbidden. See Section 2.62.060 of the Murray City Municipal Code for full details.

2-10. Grievances between Labor and Management. Disputes arising out of the interpretation of application of these rules and regulations governing standards, classification, hours of work, employment conditions, and the like shall, before taking an appeal as allowed in Section 13 hereof, be handled by the employee through established supervisory channels prescribed by these rules.

2-11. Records -- Personnel Files. The secretary shall maintain a personnel file or record for each employee in the civil service showing the employee's name, title or position held, the department to which assigned, salary, changes in employment status, and such other information as the Commission may require.

2-12. Record Retention. Employee examination records and register cards shall be kept for two years, or as long as the employee is with the City whichever is longer. All other records which are not public records relating to personnel, including correspondence, applications, and reports, may be destroyed after two years. In addition, any records except public records, permanent or temporary, may be destroyed by the Director with the advice and consent of the Mayor and corporation counsel, when special circumstances warrant.

Rev. 11/99

2-13. **Personnel Files.** Refer to Section 2.62.220 of the Murray City Municipal Code for full details.

2-14. **Reports.** The Civil Service Commission shall furnish to the Mayor in writing an annual report on the activities of the Civil Service Commission. The Commission shall submit such other reports as may be required by the Mayor and Municipal Council from time to time.

2-15. **Notification of Address.** All employees, applicants, and eligible candidates, including those on leave of absence, are required to keep the secretary informed in writing as to their current home address at all times.

2-16. **Violation of Rules. Dismissal Disqualifications.** Violation of any of these or other administrative rules or orders of any other conduct, prejudicial to the good order, discipline or efficiency of the service shall be grounds for dismissal, and any person dismissed for cause may for five (5) years be ineligible for appointment to, or employment in a position in the civil service. A lesser penalty of suspension without pay or demotion may be imposed in the sound discretion of the appointing authority.

2-17. **Service.** Whenever in these rules, service of any document is required, said service will be made as provided for service of summons by the Utah Rules of Civil Procedure, except when the return of the Sheriff shows the person to be served cannot by due diligence be found in Salt Lake County, service shall be made by mailing a copy of the document to be served by certified mail, addressed to the employee at the employee's last known address as disclosed by the City's records. Where any party is represented by an attorney, service of any paper, pleading or notice provided for in these rules may be made upon such party by serving the party's attorney.

2-18. **Time.** Time shall commence to run for reviews or appeals from the date the order appealed from is served on the employee and in the event service is made by mail, at the expiration of five (5) days from the date of deposit in the post office. Time within which to act as provided in these rules shall be computed by excluding the first day and including the last, unless the last day is a holiday or Sunday, in which case such days are also excluded.

2-19. **Separability of Provisions.** If any rule, subdivision, sentence, clause, or phrase of these rules is for any reason held to be invalid, such decision shall not affect the remaining rules, subdivisions, sentences, clauses or phrases.

2-20. **Health.** Each employee in the civil service biannually during the period of his/her employment and during the calendar month in which occurs the anniversary of his/her employment, and at such other time as the appointing authority may reasonably require, shall submit to a health examination by the physician or a health professional approved by Murray Director of Human Resource. The physician and/or health professional shall certify the results of such an examination and shall file a copy of the certification with the Human Resource Director.

2-21. Appeal of Medical Determination. If any officer or employee in the civil service is dissatisfied with any determination or certificate made by the city-approved physician, as provided in these rules, that person may, within fifteen (15) days after notice of such determination or certification, appeal to the Commission in writing, as outlined in schedule C - Health Standards and Requirements for Positions in the Civil Service.

2-22. Injury on Job. Each officer and employee in the civil service who shall become injured in line of duty or course of employment shall retain civil service status for two (2) years after such injury unless certified by a city-approved physician that the employee is able to return to work before that time and refuses to do so, in which case the employee shall forfeit civil service status.

2-23. Leaves of Absence. Leaves of absence without pay may be granted by the appointing power, upon request of the employee, subject to the approval of the appointing authority and the Mayor. See Section 2.62.170 of the Murray City Municipal Code for full details.

Section 3
COMMISSION

3-1. Organization -- Quorum. The Civil Service Commission shall consist of three members appointed by the Mayor with the advice and consent of the Municipal Council. One of the three shall be designated chairperson, who shall preside at all meetings of the Commission. For the purpose of the transaction of business, two members shall constitute a quorum. Each member shall be appointed to a term of six years, such terms expiring on the 30th day of June of an even-numbered year. One member's term shall expire each even-numbered year.

3-2. Meetings. The Commission shall meet from time to time at the place designated on the call of the Secretary at the direction of the Chairperson or any two members of the Commission. Such meetings will be scheduled and agendas posted in accordance with Section 52-4-1, et seq., Utah Code Annotated, 1953, as amended.

3-3. Secretary to the Commission. An individual shall be appointed to serve as secretary to the Commission. It shall be the duty of the secretary to keep a minute book containing minutes of all meetings of the Commission. The minutes, after approval, shall be public records.

3-4. Powers and Duties. The Commission or the Commission Secretary shall have prime responsibility for:

- a. Reviewing appointments and proposed new positions to assure compliance with established civil service rules and regulations.
- b. Preparing examinations and establishing registers of eligible candidates for civil service positions.
- c. Certifying names from established civil service registers in compliance with the civil service rules and regulations to the appointive power or department head.
- d. Recommending needed policy changes for the approval of the Mayor.
- e. Maintaining central civil service records.
- f. Serving as an Appeals Board for civil service employees who appeal action taken by the appointive power and/or Mayor.

3-5. Citizens Complaints. Any citizen may make a complaint in writing to the department head of any violation of duty by any employee in the civil service, whereupon the department head shall have discretion to investigate the complaint and take such action deemed necessary.

3-6. Investigations. The Commission may on its own motion or on petition investigate the reasons for suspension, reprimand, or other adverse action taken against any member of the civil service, and may take such action and make such recommendations with respect thereto as it may deem to be appropriate within its authorized scope of authority.

Section 4

RECRUITMENT OF PERSONNEL TO THE CIVIL SERVICE

4-1. **Recruitment -- Publicizing Examinations.** Admission into the civil service shall be by application and compliance with the examinations provided that all applications for ongoing entrance exams must meet the requirements set forth. The secretary shall publicize each examination for appointment to the civil service to the end that the best available people shall be attracted to the service of the city. Each examination shall be publicized for a minimum of fifteen (15) days unless the Commission shall direct otherwise.

4-2. **Content of Examination Announcements.** Each examination announcement shall specify the class title, the nature of the work to be performed, the pay rate or range for the class, the minimum or desirable qualifications, the closing date for the filing of applications, and the place and manner of filing applications. The secretary may, in addition, add such other information as deemed advisable.

4-3. **Notice of Examination.** The secretary will give each applicant written notice five (5) business days in advance of the date of each examination. Such notice shall be delivered personally to the applicant or sent by United States mail, addressed to the applicant at the address given on the application. The notice shall set forth the time and place at which the examination will be held. Failure of any applicant to be present for and take any examination may be grounds to exclude the applicant from further participation in the selection process.

4-4. **Application Forms.** Applications for examination shall be made on forms provided by the Secretary. All applications must be signed by the person applying. Applicants who desire to apply for veteran preference credit must submit proof of honorable discharge as described in these rules or as the Secretary may otherwise prescribe. Applications shall be fully and completely filled out according to the instructions contained therein. Incomplete applications may be rejected. Any false statement in the application shall be grounds for rejection of the application, and may be grounds for discharge after employment if discovered at a later time.

4-5. **Photographs and Fingerprints.** Applicants considered for appointment may have their photographs and fingerprints taken.

4-6. **Notice to Accepted Applicants.** Each accepted applicant shall be notified in writing by mail of the exact place and date and hour of the examination.

4-7. **Rejected Applications.** Any application shall be rejected which indicates on its face that the applicant does not possess the minimum qualifications as required for the class. Applications also shall be rejected if the applicant is not a citizen of the United States, or in active process of becoming a citizen; is addicted to the habitual or excessive use of drugs or intoxicating liquors; shall be rejected if the applicant is not at least 18 years of age at the date of application if applying for the position of Fire Fighter or of at least the age of 21 years at the date of application

if applying for the position of Police Officer; is not of good moral character, and of temperate and industrious habits; has been convicted of any felony or misdemeanor involving moral turpitude; is unable to comply with the physical requirement hereinafter set forth; is not able to speak fluently the English language and to write said language legibly; is not of unimpeachable loyalty to the United States of America; or has willfully made any false statements of any material facts, or has attempted to practice any deception or fraud in application. Any application may be rejected if the Commission finds that the candidate is clearly ineligible or unfit for the service for any reason herein enumerated. Whenever an application is rejected, notice of such rejection with a statement of the reason shall be mailed to the applicant. Defective applications may be returned to the applicant with notice to amend the same.

Section 5 **SELECTION OF PERSONNEL**

5-1. **Objective.** The procedure for selection for appointment to the service shall be impartial, of a practical nature and shall relate to those matters which fairly test the relative merit, fitness and ability of the persons examined to discharge the duties and responsibilities of the class to which they seek appointment. In any examination in which the Commission deems it desirable to do so, it may include a qualifying test and may set a minimum qualifying standard. No question in any examination shall relate to political or religious opinion or affiliations.

5-2. **Examinations--Ex-officio Chief Examiner.** In order to effectuate the provisions of the rules so adopted, the Office of the Human Resource Director may also serve as Chief Examiner in examination procedures provided for in these Rules when designated by the Commission.

5-3. **Subjects and Types of Test.** Each examination held to establish a list of eligibles may consist of one or more of the following: written, oral, assessment center, or performance tests which will test fairly the qualifications of the applicants. Each test to have a value of one-third of the final rating. Every examination shall include tests of physical qualifications and health, including, in the case of persons seeking a position in the police department, a psychological test. All applicants must pass such physical and health examinations as the Commission may prescribe for the position sought. Physical and health examinations shall be based upon the health standards and requirements adopted by the Commission as set forth in "Schedule C" attached hereto.

5-4. **Written Tests.** A written test or tests may be used to measure the knowledge, ability, judgment, emotional stability, aptitude, and/or alertness of candidates insofar as such traits are related to ability to perform the work in a class or series of related classes. This part shall include a written demonstration designed to show the familiarity of the competitors with knowledge of the class to which they seek appointment and their ability in the use of the English language. If advisable, a formal essay or thesis upon one or more subjects may be required.

5-5. Oral Tests. An oral test may be used to evaluate the personal fitness, the experience and training, the knowledge, capacity and judgment of candidates and ability of the candidate to deal with others and to meet the public. In considering personal fitness, it shall be appropriate to evaluate pertinent personality traits, but the evaluation shall be done on a basis which is as objective as possible.

5-6. Performance Test. Performance tests may be given to obtain from candidates samples of the work of the kind involved in the class of service to which appointment is sought and to rate the work results and the speed and accuracy of performance. A physical test may be given, and may consist of competitive exercises or events designed to measure agility, strength, coordination, or fitness insofar as such traits are related to ability to perform the work in a class or series of related classes. This test(s) is in addition to the medical examination by a city-approved physician.

5-7. Experience and Training. Competitive evaluation may be made of the relevance, level, recency, progression, and quality of experience and education offered by candidates. This may be done in an oral or an unassembled manner. Reports of superiors, former employers and educational institutions may be considered in this process.

5-8. Conduct of Tests, Examiners and Compensation. The Secretary may contract with any responsible organization or individual for preparation and scoring of tests. In the absence of such a contract, the Secretary shall be responsible for the performance of such duties. The Secretary shall arrange for the use of public buildings and equipment for the conduct of tests and shall render or secure such assistance as shall be required in connection with the tests, including the selection, appointment and use of boards of special examiners when deemed desirable in any phase of the testing process.

5-9. Disqualifying Offenses. At the discretion of the Commission or Chief Examiner, candidates may be disqualified and rejected for any of the following reasons:

- a. Possession in the examination room of any paper, book or memorandum, or of anything else which might be of use or assistance in the examination, other than as permitted by the Commission or Chief Examiner. Such articles shall be surrendered to the examiner in charge before the beginning of the examination..
- b. Willfully copying, looking over the work of another candidate, or attempting to do so, or permitting any candidate to copy or look over any examination sheets or material in possession of a candidate.
- c. Willfully attempting to indicate identity on any examination paper, except as instructed to do so by the examiner in charge.
- d. Tardiness in reporting for the examination, unless admitted by the examiner in charge for good reason.

5-10. Qualifying Grades and Rating Tests. The final score of a candidate shall be based upon all tests and evaluations in the examination. Failure in one or more parts of the examination may be grounds for declaring candidates as failing in the entire examination, or as disqualified for subsequent parts of an examination. The Commission shall establish a minimum qualifying score.

5-11. Notification of Results. Each candidate taking an examination shall be given written notice mailed to the address as shown on the application, of the results, final rating, and if successful, the relative position of the candidate on the eligible list. All candidates shall have the right to inspect their own test papers after notification of results. An error in grading or rating shall be corrected if called to the attention of the Secretary within ten (10) days after the mailing of notices of results of examination. Correction shall not, however, affect any certification or appointment which is made any time prior to the discovery of the error.

5-12. Promotional Test. As the needs of the service require, promotional tests may be conducted from time to time, and may include, in addition to the types of tests listed in this rule, evaluations of performance for the City and accomplishments in special training courses. Candidates for promotion or appointment to a position of higher rank shall be regular employees in the service and must possess the minimum employment qualifications, if any, set forth in the classification plan.

5-13. Appeals. Any action in connection with the announcement, holding or scoring of examinations, the preparation or cancellation of eligible lists, rejection of application, removal from eligible list, and the making of appointments from such lists, is subject to review by the Civil Service Commission as provided by Section 13 of these rules and regulations.

5-14. Eligible Lists -- Description. As soon as possible after the conclusion of an examination, the Secretary shall prepare an eligible list consisting of the names of persons successfully passing the examination and ranking high enough to be included on the eligible list, these names shall be arranged in order of final ratings received, from the highest score down to the lowest qualifying score. The final rating shall be determined by the total of the scores received by each candidate for each part of the examination, based upon the relative value assigned to each part of the examination before it was given. Whenever identical final ratings are received, names shall be arranged in the order of the scores on the part or parts of the examination which were assigned the heaviest relative values, or when parts of the examination are given equal value, priority of application filing date shall determine the highest standing on the list.

5-15. Veterans' Preference Ranking on Eligible Lists. The City shall grant veteran's preference upon initial hiring to each veteran or veteran's spouse based on official documents certifying eligibility and according to the following procedures and requirements.

- a. The names of all persons who have obtained final passing grades in all factors of the examination, shall be placed on the register in the order of their final rating, starting with the highest.

- 12 -

Rev 11/99

The Human Resource Department shall add to the score of a veteran who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any position with the City:

- a. 5 points to the total possible score, if a veteran;

- b. 10 points to the total possible score, if a disabled veteran or a purple heart recipient; or
- c. in the case of a preference eligible widow or widower, the same points to which the qualifying veteran would have been entitled.

A veteran who applies for a position that does not require an examination, or examination results are stated other than numerically, shall be given preference in interviewing and hiring for the position.

Any officer, agent, or representative of a government entity, who is charged with employment of people and who willfully fails to give preference as provided by law is guilty of a misdemeanor.

5-16. Verifying Veterans Preference. Preference for veterans shall be allowed to persons who submit a copy of their discharge form (DD214) prior to the application deadline date.

5-17. Firefighter Certification Preference.

An applicant is entitled to one (1) preference point for:

- a. Evidence of an NFPA 1001, Firefighter I Certificate from a program which has been certified by the Utah Firefighters Certification Board, OR

An applicant is entitled to two (2) preference points for:

- b. Evidence of an NFPA 1001, Firefighter II Certificate from a program which has been certified by the Utah Firefighters Certification Board, OR

An applicant is entitled to three (3) preference points for:

- c. Evidence of a current certification and completion of the Utah Fire and Rescue Academy Recruit Candidate Academy (RCA) program.

5-17.1 Paramedic Preference. An applicant who holds a current paramedic certificate issued by the Utah State Bureau of Emergency Medical Services is entitled to five (5) additional credit points.

5-17.2 Fire Cadet Preference. An applicant who is currently working as a Murray City Fire Department Cadet, and has been serving for at least one (1) year, or has been employed as a cadet with Murray City Fire Department within the last year and is in good standing, and has served for at least one (1) year, shall be entitled to one (1) preference point.

5-17.3 Hazardous Materials Technician Preference. An applicant who has a current certification as a Hazardous Materials Technician given from an accredited agency, shall be entitled to one (1) preference point.

5-17.4 Swift Water Rescue Technician Preference. An applicant who has a current certification as a Swift Water Rescue Technician given from an accredited agency, shall be entitled to one (1) preference point.

5-17.5 Maximum Preference Points Earned By Firefighter Candidates. The maximum preference points which can be awarded to the applicants final score, pursuant to sections 5-17, 5-17.1, 5-17.2, 5-17.3 and 5-17.4 shall not exceed eight (8).

5-18. Police Officer Certification Preference. An applicant is entitled to credit points as follows:

- a. Current certification from P.O.S.T. as a police officer, ten (10) credit points.

5-19. Maximum Preference Points Earned by Police Officer Candidates. The maximum preference points which can be awarded to the applicant's final score, pursuant to Section 5-18 shall not exceed ten (10).

5-20. Preference Points. All preference points awarded pursuant to the provision of Section 5-17, 5-17.1, 5-17.2, or Section 5-18 shall be added to the applicant's final score only if said applicant has a cumulative passing score at the end of the testing procedure.

5-21. Life of Eligible Lists. Unless within five (5) days after mailing of notice under Section 5-11, an appeal is taken from some action in connection with an examination, eligible lists shall become effective upon certification by the Commission that the list was legally prepared and represents the relative ratings of the names appearing thereon. Eligible lists shall remain in effect one year unless sooner canceled by the Commission and may be extended by the Commission for an additional one year period, but no list shall remain in effect for more than two years.

5-22. Vacation of Eligible Lists. The Commission may, at any time when in its opinion the public good will be served thereby, vacate any eligible list or lists, and thereafter no person on any list so vacated shall be appointed unless such person makes a new application, is examined, and qualifies as if such person had not been on the list so vacated.

5-23. Disqualification and Removal from List. Names of eligibles may be removed from an eligible list by the Secretary for any of the following:

- a. Inability of postal authorities to deliver certified mail to the eligible within a reasonable time.
- b. Conviction of a felony or a misdemeanor involving moral turpitude, or general misconduct.
- c. Proof to the satisfaction of the Secretary of fraud or false statements in the application, or of fraudulent or improper conduct in connection with an examination.
- d. Probationary appointment to a position in the class for which the eligible list was established, or for which the list is deemed suitable by the Secretary.
- e. The request, or death, of the eligible.
- f. Failure to appear or to arrange for an interview with the appointing authority within a reasonable designated time after notification of certification.
- g. Refusing an appointment without a reason satisfactory to the Secretary.
- h. Refusing certification without the consent of the secretary.

5-24. Request by Appointing Power for Cancellation of Certification. Upon receipt of names certified from the eligible list and a determination by the appointing power, through interviews, testing, or background investigation of a certified candidate, that a particular certified candidate is, in the judgment of the appointing power, not capable of properly performing the duties of the class to which appointment is being sought, the appointing power shall appear before the Civil Service Commission and present the reasons for such determination and request that the certification of such candidate be canceled. The Commission, upon hearing such reasons and considering such evidence as the appointing power may provide, and upon such investigation as the Commission may deem necessary and prudent, shall make either of the determinations that follow:

- a. The Commission may uphold the reasons presented by the appointing power for requesting cancellation of certification of the candidate's name by removing such name from the eligible list and giving the reasons therefore in writing to the candidate affected and certifying to the appointing power the name of the next lower ranking eligible candidate on the eligible list.
- b. The Commission may find and declare invalid the reasons given by the appointing power for requesting cancellation of certification of a candidate's name. In such event, the candidate's name shall retain certification status until a selection is made by the appointing power from the candidate's certification and shall remain in its proper rank order on the eligible list.

5-25. Notification of Removal from List. If for any reason provided for herein a candidate's name is removed from an eligible list, notice of such removal shall be given in writing by the Civil Service Commission to the individual candidate, setting forth the reasons for such removal. Such notice shall be sent by United States mail and shall be post marked no later than five (5) days following removal from the eligible list.

5-26. Waiver of Certification. Upon written request by an eligible and as approved by the Secretary, the name of that eligible may be maintained on the eligible list for such period, not to exceed one (1) year, as the Secretary may determine, during which period the Secretary will pass over and not certify such eligible to the appointing authority for appointment. The written request shall include a clear statement of the reasons therefore. Upon similar request made within three (3) days after such certification, the Secretary has discretion to cancel and revoke the certification of such eligible and restore the name to the list to be maintained there as provided herein. The Secretary's approval for the maintenance of such name without certification may be revoked at any time if the good of the service requires such action. Notice of revocation shall be promptly given to the eligibles. The eligible may at any time cancel or withdraw a request under this subsection.

5-27. Eligibles Designation of Service Or Minimum Wage. An eligible whose name is on an eligible list for two (2) or more classes or positions of employment may, in writing filed with the Secretary, designate the class, department or position of service in which the eligible is willing to accept appointment, and shall not be certified for appointment except in accordance therewith. An eligible may similarly designate the minimum compensation he/she will accept, and no certification for appointment to a position with a lesser compensation than that designated shall be made.

Section 6

APPOINTMENT TO THE SERVICE

6-1. Manner of Filling Vacancies. Except as herein otherwise provided, all vacancies in the civil service shall be filled by re-employment or appointment from eligibles certified by the Secretary from an appropriate eligible list, if available. If a certified list cannot be created due to the lack of eligible persons, provisional appointments may be permitted in accordance with these rules.

6-2. Certification of Eligibles for Appointment. If the appointing authority desires to fill one or more vacancies existing in the civil service, that person shall notify the Secretary and the Secretary shall promptly furnish to the authority the names of the persons certified by the Commission as eligible for appointment to the vacancy.

6-3. Order of Certification. Names shall be certified by the Secretary to the appointing authority in the following order:

Rev 8/2006

- a. Names of persons who have been placed on a department re-employment list for the class in accordance with these rules and who are available for re-employment. Persons on re-employment lists shall maintain their status for two (2) years.
- b. Names of persons on a competitive eligible list for the class.

6-4. Number of Names Certified. If a position in the classified civil service is to be filled, the civil service commission shall as soon as possible certify to the appointing power the names of:

- a. Ten persons, if the position to be filled is entry level; or
- b. Five persons, if the position to be filled is other than entry level.

Persons certified as above shall have the highest standing in the eligible list but a lesser number may be certified if the required number is not on the eligible list. If more than one position is available in the same department, the civil service commission shall also certify to the appointing power one additional name for each additional position to be filled. All persons not appointed shall be restored to their relative positions on the eligible list. All persons who have been on the eligible list for two years without appointment shall be removed from the list and may be returned to it only upon regular examination.

6-5. Procedure When Insufficient Names are Certified. If fewer names than the number required by the above procedure are certified by the Secretary, the appointing authority may fill the vacancies from the short list, or may return the short list and require the Secretary to proceed to recruit new applicants, prepare a new eligible list, and to certify a full list of names as required herein.

6.6 Appointment. After interview and any investigation deemed necessary, the appointing authority may make appointments from among those certified, and shall immediately notify the Secretary of the person or persons appointed.

If an eligible fails to present himself for interview or duty at the time and place directed, he shall be deemed to have declined the appointment.

Fire Department Prior Service Credit. A new firefighter may be given time in grade credit for previous similar fire service at the rate of one year credit for each three years of prior qualified service. This credit shall be determined by the appointing authority in consultation with Director of Human Resource and will become effective on the new employee's date of hire.

A new paramedic may be given time in grade credit for similar previous paramedic service at the rate of one year credit for each year of qualified service, up to a maximum of 5 years. This credit shall be determined by the appointing authority in consultation with Director of Human Resource and will become effective on the new employee's date of hire. Refer to Murray City Pay Admin. Policy for details.

Police Department Prior Service Credit. Effective July 1, 2002. In order to attract and hire experienced police officers, the new employee may be given time in grade credit for previous civilian law enforcement service, at the rate of 1 year credit for each year of qualified service, up to a maximum of 5 years.

Rev. 06/2006

The credit shall be determined by the hiring authority in consultation by the Director of Human Resources and will become effective on the new employee's date of hire. Refer to Murray City Pay Admin. Policy for details.

6-7. Provisional and Temporary Appointment. If fewer than the number of eligible names required to fill a vacancy or vacancies are available for the lists specified in Section 6-3, the provisional appointment of a person meeting the employment standards for the class may be made by the appointing authority. The Secretary shall immediately proceed to establish a list of qualified persons and shall, as soon as practical, and without action on the part of the appointing authority, certify a list containing the required number of names from the resulting register. The provisional appointment shall terminate within ten (10) days after the new list is certified to the appointing authority. A provisional appointment may not extend beyond six (6) months in duration, unless the Civil Service Commission extends the provisional appointment for successive periods of not more than thirty (30) days each.

6-8. Temporary Appointments. A temporary appointment to a position for a term of not more than three (3) months may be made in the same manner as in the case of a provisional appointment.

6-9. Emergency Appointments. To meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, earthquake or enemy attack which threatens public life or property, the appointing authority or authorized representative, may employ such persons as may be needed for the duration of the emergency without regard to these rules affecting appointments. As soon as emergency conditions permit, such appointments shall be reported to the Secretary.

6-10. Seasonal Employees. Employees in positions of employment of a recurring seasonal nature shall be employed for the season only, and shall have no right to re-employment in succeeding seasons. The examination for such positions shall be as simple, brief and practical as possible, and may consist only of an interview and physical examination.

6-11. Appointments to Vacancies. In addition to the methods for filling vacancies in Civil Service prescribed in the foregoing provisions of this Section 6, the appointing authority may, based on medical or psychological grounds, fill a vacancy with an existing member of Civil Service if such member is otherwise qualified for that vacancy.

Section 7 **PROBATIONARY PERIOD**

7-1. Objective. The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, to secure the most effective adjustment of a new employee to the position, and to determine if the probationary employee whose performance does not meet the required work standards should be terminated. All original and promotional appointments shall be tentative and subject to a probation period of twelve (12) months, and successful completion of police officer standards and training, whichever is later, but not to exceed eighteen (18) months.

7-2. Release of Probationer. At any time during the probationary period the appointing power may recommend to the Mayor the removal of an employee, if in the appointing authority's opinion the work and training test period indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily or that the probationary employee's habits and dependability do not merit continuance in the service. The appointing authority may recommend to the Commission that an employee who, during the probationary period, falls below the minimum requirements for the position as set forth in Schedules A, B, and C, attached hereto, or as set forth in the statement of limits, qualifications, and requirements under which the employee's application was accepted, be terminated from the civil service. The recommendation for removal and the reasons shall be in writing and filed with the Secretary and removal of the probationary employee shall be effective upon approval by the Mayor.

7-3. Probation Period Reports. During the sixth month of probationary appointment, the department head shall evaluate the performance of the probationary employee and based on such evaluation and the record of the department head, the employee shall either be released as provided or be considered eligible for continued probationary employment. Pay increases associated with successful evaluations will be made in accord with the pay policy of the city. During the twelfth month of probationary appointment, the employee's performance shall again be evaluated by the department head and the employee shall be either terminated or appointed to regular employee status with associated pay increase in accordance with the pay policy of the city. No employee shall be paid for work performed after the expiration of the probationary period unless the appointing power, prior to the expiration date, has notified the Mayor that the employee has been recommended for regular appointment to the position. When no such notification is given, the employee shall be deemed to have been removed at the expiration of the probationary period, subject to the approval of the Mayor.

7-4. Leave During Probation Period. Time spent on any leave of absence shall not be considered as part of any probationary period.

7-5. Regular Appointment Following Probation Period. Upon recommendation of the appointing power and approval by the Mayor, a probationer shall become a regular member of the civil service in the position for which the member is certified and has completed probation, and the Secretary shall so notify the appointing power, the Mayor, and the member.

Section 8 **PERFORMANCE RATINGS**

8-1. Purpose of Performance Ratings. The City Human Resource Director shall establish and make effective a system of performance ratings designed to give a fair evaluation of the employees work performance. Performance ratings shall be prepared and recorded for all probationary and regular employees at regular intervals, not to exceed twelve (12) months. Performance ratings and length of service shall, together with other criteria, be considered in determining salary increases and in making promotions, reassignments, reclassifications, demotions, and separations. Each employee shall be furnished a copy of his performance rating. All employees' ratings shall be reviewed and signed by the affected employee.

8-2. **Performance Rating.**

- a. **Initial Rating:** Employees shall be rated by their immediate superior(s) on individual forms for each person rated. If a given employee has received training under a supervisor, it is recommended that such training supervisor shall be included in the rating process of said employee. No employee shall be rated by any relative or family member who is the employee's supervisor or superior.
 1. The heads of each division within the Police Department shall review the performance ratings of the personnel within their respective divisions.
 2. The commanding officers of each division in the Fire Department shall review the performance ratings of the personnel assigned to them.
 3. The appointing power will sign each completed evaluation form and may include comments or recommendations concerning any of the performance ratings.

8-3. **Review by Commission.** The performance rating of any person in the Classified Civil Service shall be subject to the review by the Commission. Any member of the Classified Civil Service may petition the Commission for review of that member's merit rating within thirty (30) days after the rating has been completed and filed with the Commission, and the member may argue the case before the Commission.

8-4. **Basis for merit.** Persons in the Classified Civil Service shall be fairly and impartially rated based upon actual observation and careful, objective analysis, according to their job knowledge, initiative, dealing with public, quality and quantity of work, etc. Employee strengths and areas needing improvement should be noted in addition to the development of specific goals to be completed within the next year.

Section 9

CHANGES IN EMPLOYMENT STATUS

9-1. **Assignment within the Civil Service.** An employee may be assigned by the appointing authority at any time from one position to another position in the same or comparable class by giving notice of assignment to the employee and the Secretary. Assignment shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules. No person shall be assigned to a position for which the person lacks the required employment standards.

A regular employee who is temporarily assigned to perform the function of a position of higher grade need not meet the minimum requirements of the position if the person does not serve longer than six (6) months.

Rev. 01/2005

Upon approval of the Department/Division Head, an employee may receive a temporary pay adjustment of up to the minimum of the higher grade or a 5% increase, whichever is greater, if the job classification difference is less than three (3) grades. A 10% increase may be given if the job classification is three (3) grades or higher. The temporary pay adjustment may be approved if the employee is acting in the higher position for 30 consecutive calendar days. The pay adjustment shall be effective and retroactive back to the date the employee started working out of classification.

9-2. **Promotion.** Changes in employment status as a result of promotion shall be made in accordance with the provision of Section 10 of these regulations.

9.3 **Demotion.** The appointing authority may for cause reduce the salary of an employee within the range provided in the compensation plan or demote the employee. Such cause may be based upon facts justifying disciplinary action, ineptness, insufficient performance, or on facts which indicate that such action is in the good of the service. A written statement of the reasons for such action shall be furnished to the employee and a copy filed with the Secretary. No demotion shall be used as a disciplinary action unless the employee demoted is eligible for employment in a lower class, and the demotion may not occur if such action would necessitate laying off any regular employee in the lower class. Any regular employee who is demoted may appeal as provided in Sections 11, 12 and 13 hereof.

9.4 **Suspension.** For disciplinary purposes, the appointing authority may suspend an employee for cause without pay and for such length of time as the appointing authority considers appropriate. Suspension orders of a less than three (3) days or twenty-four (24) working hours is not appealable. A suspension order which exceeds three (3) days or twenty-four (24) working hours may be appealed to the Civil Service Commission. The appointing authority shall provide the Secretary with a written statement specifically setting forth reasons for the suspension and, upon request, a copy of that statement shall be furnished to the suspended employee. If the Commission overturns the suspension order on appeal, the employee shall be paid for the time off the job as if the suspension order had not occurred.

Section 10 **PROMOTIONS**

10-1. **Basis of Promotions.** Promotions in the civil service shall be on the basis of merit, seniority in service and standing obtained by competitive examination as herein provided. Eligibility for promotion will be determined by the Commission, and where applicable, vacancies will be filled by promotion from the next lower in rank. All positions in the civil service not enumerated in these regulations as positions for promotions shall be positions of original appointment.

Employees who are promoted shall be placed at 81% of midpoint of the new grade or receive a 5% increase, whichever is greater. If the promotion changes the employee status from non exempt to exempt or the new job classification is increased three (3) or more grades, the employee shall be placed at 81% of the midpoint of the new grade or receive a 10% increase, whichever is greater.

Employees who bid on and are selected for a position of a lower grade shall move to the same percent of midpoint in the lower grade with the appropriate decrease in compensation. Employees who bid on and are selected for positions of the same grade shall stay at the same percent of midpoint within that grade.

The promoted or transferred employee shall complete a six (6) month probationary period, to include a performance evaluation. The completion date of the probationary period will now become the employees new annual performance evaluation date.

At the satisfactory completion of the 6 month probationary period, the promoted or transferred employee may be eligible to receive a merit increase immediately based upon their job performance and where they are in the pay range.

10-2. Types of Promotions. Promotions shall be designated as promotions in rank. Promotions constituting a rank promotion in the Police Department and the eligibility requirements for such promotions are set forth in Schedule "A" hereof. Promotions constituting in-rank promotions in the Fire Department and the eligibility requirements for such promotions are set forth in Schedule "B" hereof. Selection of a candidate for promotion in-rank shall be made from a list of certified eligible candidates from the promotional register established in accord with the provisions contained herein for appointment to civil service positions.

10-3. In-Rank Examination Scoring Procedure. The following weights shall be given to the respective factors of all in-rank examinations:

Seniority of Service	5%
(1/2 point for every year of service over five years - maximum five points)	
Written Examination	45%
Oral Interview	30%
Merit Ratings	20%
(Scores for the immediate past three years)	

When an assessment center is used, the written examination and oral interview factors are included in the assessment process, and therefore the scoring/ weighting procedures is as follows:

Seniority	5%
Assessment Center	75%
Merit Ratings	20%

(See Interpretive Bulletin #1)

10-4 Merit Ratings. Merit ratings shall be determined on the basis of the following factors:

- a. Merit Ratings. The portions of the performance evaluation of the performance review boards of the respective departments for the immediate past three (3) years.

10-5 Oral Ratings. Oral ratings shall be determined on the basis of the following factors:

- a. Oral Interview. Applicants may be interviewed by the Commission or its designees to determine their self-confidence bearing, personality traits, leadership qualities, supervisory abilities, determination of intelligence, aptitudes and abilities to deal with problem situations.

10-6. Physical Examination Requirements for All Promotions. All applicants certified for promotion must pass a physical examination prescribed by the Commission. Such physical examination shall determine that the applicant has no uncorrectable disability which would disqualify the applicant for the position sought. If it is determined that the applicant has a correctable physical disability which prevents a promotion, the Commission may refuse to certify such applicant as being eligible for promotion until the disorder or disability is corrected. Physical requirements for promotion and appointments to the respected positions within the civil service are set forth in Schedule "C" attached hereto.

10-7. Notice of Promotional Examinations. When the Commission orders that a promotional examination be held, notice of the examination shall be posted in a prominent place in the Department affected at least thirty (30) days prior to the date of the examination. The notice of a promotional examination shall contain the following:

- a. Date of posting of Notice of Promotional Examination.
- b. Date of examination.
- c. Place and character of the examination.
- d. The last date for filing an application to compete in the examination. Such date shall be not less than five (5) days after the posting of notice as required in Paragraph 10-6 of this Section.

10-8. Application for Promotional Examination. Each person who desires to compete for promotion must complete the prescribed application designating the position sought and giving such other information as the Commission may require, and file the same with the Secretary of the Commission within the time prescribed.

The Commission will accept and allow an employee to apply and participate in the testing process, if they are within six months from the date of the test of meeting all of the requirements. However, they cannot be promoted until they meet the minimum requirements.

Section 11

DISCIPLINARY RESPONSIBILITY, GROUNDS AND ORDER

11-1. Responsibility for Discipline. Basic responsibility for discipline is vested in the appointing power of each department and not in either the Civil Service Commission or the Mayor.

Progressive discipline which normally involves a verbal reprimand, written reprimand, suspension and termination shall be administered fairly and consistently by the appointing power. Severity of the offense will determine the steps required for progressive discipline. In cases where the appointing power does not assume responsibility for exercise of this power the Commission, in the public interest, may investigate and recommend appropriate action, and the Mayor may remove the appointing power as prescribed by law.

11-2. **Uniform Penalties.** When imposing demotions, removals, or imposing other penalties for delinquency or misconduct, like penalties shall be imposed for like offenses.

11-3. **Misconduct.** The following misconduct may be grounds for suspension or other disciplinary action:

- a. Chargeable accident.
- b. Using profane or blasphemous language.
- c. Displaying bad or ungovernable temper.
- d. Lack of promptness in execution of duties.
- e. Neglect of duty or absence from Post of Duty without leave from proper authority
- f. Uncivil or discourteous attitude toward citizens or superior officers.
- g. Lounging or idling on duty.
- h. Tardiness (excessive and unexcused).
- I Unexcused and/or lack of neatness in person or dress, reasonably compatible with position held.
- j. The commitment of any crime relating to public morals and decency, or drunkenness, or violation of the liquor laws, or other laws involving moral turpitude .
- k. Violation of any City ordinance or State statute, whether or not a formal criminal charge is filed, or of the adopted rules and regulations of the Civil Service Commission or of the department wherein employed, relating to the conduct and authority of the employees.
- l. Untruthfulness or dishonesty.
- m. Failure to observe applicable administrative rules.
- n. Misuse of city property or equipment.
- o. Using or uttering disrespectful language about or concerning another officer or employee. Making derogatory remarks about other members of the department either to members of the department or to anyone outside of the department, provided they may do so to their superior, the department head, the Mayor, or an official charged to the Commission. Committing any act or participating in any undertaking for the purpose of unfairly or dishonestly causing a member's merit rating to be either raised or lowered.
- p. For receiving or accepting money or anything of value for special favors to persons or individuals in connection with official duty.
- q. Willfully disobeying the orders of a superior officer or supervisor.
- r. Conduct tending to bring discredit upon the department.

Rev 2/01

- s. Any other misconduct, inefficiency or dereliction of duty.
- t. The City has an interest in ensuring that employees maintain necessary job qualifications and avoid behavior, job performance, or lack of action which disrupts the workplace, undermines the authority of management, impairs close working relationships, or otherwise impedes a safe, efficient, and effective workplace environment.

11-4. Incompetency or Failure to Perform Duty. The following actions may be grounds for a charge of incompetency or failure to perform duty:

- a. Failure to maintain a performance evaluation rating meeting expectations for any two (2) years.
- b. Failure to maintain a satisfactory physical record. A physical examination may be required of any employee by the appointive power or commanding officer.
- c. Habitual neglect of personal appearance while on duty.
- d. Cowardice or indolence.
- e. Failure in the performance of those duties that are required under the law to be performed by the person charged.
- f. Neglect of duty.
- g. Conduct subversive to good order and the discipline of the department where employed.

The examples of prohibited behavior described in 11-3 and 11-4 are not intended to be an all inclusive list.

11-5. Disciplinary Orders. All civil service employees are subject without prior notice or hearing to disciplinary action by way of discharge, demotion, suspension, or reprimand by the appointing power of the department for misconduct, incompetency, failure to perform their duties or failure to observe properly the rules of their respective departments, subject to review by timely appeal to the Commission as provided in these regulations. Disciplinary orders must be in writing signed by the appointing power, and may be in letter form properly dated, addressed to the person against whom the disciplinary order is taken, and must advise them of the disciplinary action taken and the effective date thereof. A copy of such order shall be placed in the employee's personnel file.

11-6. Service of Disciplinary Order. The disciplinary order must be served by a qualified person 21 years of age or older in the following manner:

- a. By personal service of the original order upon the person against whom disciplinary action is taken; or
- b. When such person is not at his usual place of residence, by leaving the order at his residence between the hours of 6:00 a.m. and 9:00 p.m. with some person 14 years of age or older being of suitable age and discretion; or

- c. If the person's residence is not known or there is no person at that residence of suitable age with whom the order can be left, then by depositing the order in the post office addressed to the person against whom the action is taken at the person's last known residence, postage prepaid, and by posting a copy of the order on the bulletin board in the department where the person was last employed. The person serving the order shall endorse thereon the date of service, the manner of service and shall sign the same. The appointing power shall immediately transmit to the Secretary of the Commission a true and correct copy of the order together with the endorsement of service thereon.

Section 12

SEPARATION FROM THE SERVICE

12-1. **Layoffs.** The appointing authority may lay off an employee in the civil service when deemed necessary by reason of shortage of work or funds, the abolition of the position or other material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by an employee being laid off may be reassigned to other employees already working who hold positions in appropriate classes. The name of an employee laid off for any reason other than for cause shall be placed on the re-employment list.

12-2. **Order of Layoff.** Layoff of employees shall be made in reverse order of the current performance rating determined on the basis of performance reports. No probationary or regular employee shall be laid off from any position while any temporary or provisional employee is still employed in the same class and in the department or other organizational unit. If two or more persons in the organizational unit are to be laid off, and those persons have equal ratings as determined on the basis of most recent performance reports, then the persons shall be laid off in the reverse order of the date when the employees first entered the civil service.

12-3. **Reversion to Lower Grade.** The person laid off shall revert to the next lower grade for which the person is qualified, and is entitled to a position in the lower grade. To accommodate this appointment, personnel in the lower grade shall be laid off to provide a position for the person who was laid off from the higher grade.

12-4. **Notice of Layoff.** As soon as practical, the appointing authority shall give written notice of a layoff, the date the layoff is to occur, and the reasons for the layoff to the Director of Human Resources and to any affected employees; provided, however, that notice of the layoff is not mandatory for provisional, temporary part-time, or other occasional civil service employees.

12-5. **Severance Pay.** When regular full-time employees are laid off through no fault of their own, they will be eligible to receive severance pay as follows: Employees which have one to two years' regular full-time employment shall be entitled to the equivalent of ten (10) days' prorated pay. If the employee is laid off after more than two years' employment, in addition to the severance pay described above, the employee shall also receive an additional amount equal to five prorated working days for each year of service in excess of two years, up to a maximum of thirty (30) days. Severance pay is in addition to any comp time, vacation and/or sick leave benefits accrued and owing the employee at the time of layoff.

12-6. Dismissals. A dismissal is a discharge or involuntary separation based on misconduct, inefficiency, failure to observe applicable administrative rules or other just cause. The Mayor may dismiss any employee in the service, and a department head may dismiss any employee in his department with the approval of the Mayor. A dismissed employee shall have the right to appeal as provided in Section 13 hereof.

12-7. Pre-Disciplinary Conference. For regular status employees, the process involves a pre-disciplinary conference whereby the employee is (1) given written notice of the charges being alleged; (2) the employee is given an explanation of the evidence; (3) the employee is given the opportunity to present the employee's version of the facts surrounding the allegations.

12-8. Order of Dismissal. To initiate the removal of an employee, the Mayor or the head of the department shall issue and file in the office of the Director of Human Resources a written order discharging the offending employee or officer and state therein the misconduct or reason for which the discharge was made and when the discharge is effective.

12-9. Serving and Filing the Order of Dismissal. Not later than three (3) days after the order of discharge is filed with the Secretary, a true copy of the order shall be served upon the discharged employee in the manner prescribed by these rules.

12-10. Resignations. To resign in good standing an employee must give the appointing authority at least fourteen (14) calendar days prior written notice unless the appointing authority for good cause shown, agrees to permit a shorter notice period. The notice shall state the employee's reasons for resigning. The notice of resignation shall be forwarded to the Secretary together with a statement regarding the resigning employee's service performance and any pertinent information which may bear upon the employee's decision to resign. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give proper notice shall be immediately reported to the Secretary by the department head. The Secretary may take steps to verify reasons for the resignation. The Secretary shall notify the employee in writing that the resignation has been accepted and shall notify the finance and administration department of the effective date of the resignation. By resigning, the person loses all legal right and status in the civil service.

12-11. Absence without Leave. No employee in the civil service may be absent from duty without leave, except in case of great emergency. Failure to report for duty as scheduled or failure to notify the department head or appointing authority of inability to report, or failure to report after a leave of absence has expired or has been revoked or canceled by the appointing authority, shall be deemed an automatic resignation, and the position shall be declared vacant, unless the employee shall show, to the satisfaction of the appointing authority, that the failure to report was due to sickness or great emergency which made reporting impossible.

12-12. Rehiring Personnel. A person rehired for a position in classified Civil Service shall serve a six (6) month probationary period in the grade of Firefighter I, Paramedic or Police Officer I. To be eligible for rehire as provided in this section, the date of application for rehire must be within twelve (12) months of the date of resignation, and the date of rehire must be within twenty four (24) months from date of resignation, and the applicant has maintained all applicable current state certifications and/or POST bypass testing requirements. For purposes of computation of seniority, rehired personnel shall be given credit for all time previously served, but is not given any credit for the time that the person spent away from the service. Seniority status shall only be granted after successful completion of the six (6) month probationary period.

After 12 months reemployment the employee may be considered for the position of Master Police Officer or Engineer based on department need and eligibility criteria. Refer to Murray City Pay Admin. Policy for details.

Section 13

APPEALS TO THE CIVIL SERVICE COMMISSION

13-1. Time for Appeal. Appeals may be taken by filing with the Secretary of the Commission a Notice of Appeal within five (5) days from the date the order is served in accordance with Section 11-6. Time within which to act as provided by these rules shall be computed by excluding the first day and including the last, unless the last day is a holiday or Sunday, in which case such days are also excluded. (Section 10-10-21, Utah Code Annotated.)

13-2. Form of Notice of Appeal. Notice of appeal must be in writing, addressed to the Civil Service Commissioners, must be signed by the person appealing, must include the person's department, rank, and grade therein; and must contain or have attached thereto a copy of the disciplinary order from which the appeal is taken.

13-4. Complaint. Upon receipt of a notice of appeal, the Secretary of the Commission shall mail or deliver personally a copy thereof to the appointing power and to the Mayor. The appointing power shall within seven (7) days after such mailing or delivery file with the Secretary a complaint setting forth the grounds and reasons for the disciplinary order which has been issued and shall serve a copy thereof on the person filing the appeal or his counsel.

13-5. Answer. Within seven (7) days after service of the complaint, the person making the appeal shall file his/her written answer to the complaint with the Secretary of the Commission and serve a copy thereof on the appointing power, which answer shall contain such admissions, denials, and affirmative matters as the person may desire to set forth.

13-6. Extension of Time, Amendments and Subpoenas. For good cause shown upon written petition duly filed and served on the adverse party or on its own motion, the Commission may make such orders as it deems necessary, extending the time limit by these rules within which any party shall be required to act, except for time within which to appeal, and may require or permit amendments to pleadings, require and provide for bills of particular, the taking of depositions, the preservation of evidence, the subpoenaing of witnesses and such other matters or things it deems necessary and in the best interest of the parties, the public, and for the full hearing and determination of the matter.

13-7. Default of the Parties. Upon the failure of either party to appear and defend or prosecute the action, the Commission may make its own investigation and determination of the matter and enter its orders in accordance therewith.

13-8. **Service on Counsel.** Where parties are represented by an attorney, service of any paper, pleading or notice, provided by in these rules may be made upon the representative of either party and shall constitute service on the party.

13-9. **Hearing.** The hearing of said matter shall be at a time, place and day fixed by the Commission, before all the members of the Commission or a majority thereof or before a member of the Commission who may be delegated to hear the same. The parties may appear in person or may be represented by a member of the Utah State Bar. The Commission shall determine at the hearing the mode and procedure to be followed which as nearly as it may deem practicable will follow the Utah Rules of Civil Procedure.

13-10. **Admissibility of Evidence.** At all hearings the Commission will determine the admissibility of evidence and shall use as near as it deems practicable the rules of evidence followed in the Courts in this State.

13-11. **Oath of Witnesses.** Every witness in a hearing before the commission shall first be sworn to testify truthfully as provided by law. The oath shall be administered by a member of the Commission.

13-12. **Findings and Decision.** Upon the completion of the hearing, the findings and decision of the Commission shall be certified to the head of the department from whose order the appeal is taken. The Commission's decision shall be final, and the appointing authority shall be bound by the terms of that decision.

Vetterli vs. Civil Service Commission, 106 Utah 83, 145 P.2d 792. Civil Service Commission is limited to setting aside or affirming the decision of the appointing power and making recommendations.

13-13. **Appeal to Court of Appeals - Scope of Review.** Any final action or order of the commission may be appealed to the Court of Appeals for review. The notice of appeal must be filed within 30 days of the issuance of the final action or order of the commission. The review by Court of Appeals shall be on the record of the commission and shall be for the purpose of determining if the commission has abused its discretion or exceeded its authority.

13-14. **Applicants and Eligibles Appeal -- When Authorized.** Any applicant for examination and any eligible may appeal to the Commission from any order of the appointing authority entered under Section 5 of this Title which adversely affects the applicant.

13-15. **How Taken -- Time.** Appeals as provided in this section shall be taken by serving and filing with the Secretary of the Commission a notice of appeal. Such notice of appeal must be served and filed within five (5) days after service upon the appellant and filed within the time specified, or the appeal shall be dismissed.

13-16. **Notice of Appeal.** The Notice of Appeal must be in writing addressed to the Civil Service Commission. A copy of the appointing authority's findings and order must be attached thereto, and the notice shall show wherein it is contended the order (if other than for a suspension, reduction or removal) adversely affects the appellant, and wherein it is contended the findings and order are erroneous. It must be signed by the appellant.

13-17. **Powers of Commission.** For good cause shown upon written petition duly filed and served on the diverse party or on its own motion, the Commission may make such orders as it deems necessary extending the time limited by these rules within which any party shall be required to act, except the time to appeal, and may require or permit the taking of depositions, the preservation of evidence, the subpoenaing of witnesses and such other matters or things as it deems necessary or desirable for the best interest of the parties, the public, and for the full hearing and determination of the matter. It may hold a pre-hearing conference to frame the issues to be tried and to explore the possibility of obtaining admissions of fact from either party, and if such conference is held, it shall enter an order stating the issues and any admissions or stipulations of fact. In framing the issues it shall not be bound by the issues considered by the appointing authority in their findings and order, but may, in the interest of justice and when it deems such action to be for the good of the service, consider any relevant issues. The order may be amended from time to time on such terms as may be just. All matters before the Commission shall be decided by a preponderance of the evidence.

13-18. **Hearing -- Procedure.** The hearing of said matter shall be at a time, place, and day fixed by the Commission, before such members of the Commission who may be delegated to hear the same. The parties may appear in person or may be represented by counsel. The Commission shall determine at the hearing the procedure to be followed, which, except as otherwise provided, as nearly as the Commission shall deem practicable, shall follow the Utah Rules of Civil Procedure.

13-19. **Reporting of or Recording of Proceedings.** Every hearing shall be recorded either by Certified Shorthand Reporter or by a mechanical or electronic recording device, as the Commission may determine. The recording of transcript shall be preserved for five (5) years and shall not be opened for inspection except by order of the Commission or of a court of competent jurisdiction.

13-20. **Evidence.** At all hearings the Commission shall determine the admissibility of evidence and shall use as near as it deems practicable the rules of evidence followed in the courts of Utah.

13-21. **Swearing of Witnesses.** Every witness at a hearing before the commission shall first be sworn to testify truthfully as provided in Title 78, Chapter 24, Sections 16 to 19 inclusive of the Utah Code Annotated, 1953. The oath may be administered by a member of the Commission.

SCHEDULE A
In-Rank Promotions in the Police Department

The following promotions in the Police Department are in-rank promotions, the eligibility requirements for which shall be as hereinafter set forth:

I. GENERAL REQUIREMENTS

- a. Examination: Applicants may be required to pass one or more of the following: written, performance, or oral examinations as prescribed by the Commission and as set forth in the notice of examination.
- b. Merit Ratings: Applicants must have merit ratings satisfactory to the Commission.
- c. Training: Applicants must have a valid first aid card and must have completed the prescribed firearms training program in the department (applies only to Sergeant, Lieutenant and Assistant Chief).
- d. Physical: Applicants must be in excellent physical condition, in accordance with the health standards of the Civil Service Commission. Final applicant will be required to pass a drug test and physical examination based upon the essential functions of the job.

II. SERGEANT:

Service Requirement: Associate Degree in Criminal Justice or related field and five (5) years full time on the department

OR

30 semester or 45 quarter hours and six (6) years full time on the department

OR

No college credits and seven (7) years full time on the department.

III. LIEUTENANT.

Service Requirement: Bachelor's Degree in Criminal Justice or related field plus two (2) years as a Sergeant

OR

90 semester or 135 quarter hours plus three (3) years as a Sergeant

OR

60 semester or 90 quarter hours plus four (4) years as a Sergeant

OR

30 semester or 45 quarter hours plus five (5) years as a Sergeant

OR

No college credit and six (6) years as a Sergeant.

IV. ASSISTANT CHIEF.

The Assistant Chief may be appointed by the appointing power subject to the approval of the Mayor, subject to the advice and consent of the Municipal Council.

Service Requirement: Graduation from college with a Bachelor's Degree in Criminal Justice or related field and a minimum of three (3) years command level supervisory experience or any equivalent combination of experience which produces the required knowledge, skills and abilities.

V. RECORDS SUPERVISOR

Service Requirement: Associates Degree in Office Information Systems or Secretarial Science and five (5) years of related experience, to include one (1) year experience in supervision and records management, word processing using Word Perfect/Windows or IBM System AS400 or any equivalent combination of education and experience.

VII. ANIMAL CONTROL SUPERVISOR

Service Requirement: Graduation from high school and two (2) years related experience or any equivalent combination of education and experience.

VIII. CODE ENFORCEMENT SUPERVISOR

Service Requirement: Graduation from an accredited university with an Associates Degree in Criminal Justice, Planning, Public or Business Administration, Political Science, Geography, Economics or in a closely related field and three (3) years of experience in code enforcement, planning and zoning, or government relations, or any equivalent combination of education and experience.

Rev. 03/2005

"Schedule A"

SCHEDULE B
In-Rank Promotions in the Fire Department

The following promotions in the Fire Department are in-rank promotions. The eligibility requirements for which shall be as hereinafter set forth:

I. GENERAL REQUIREMENTS

- a. Examination: Applicants may be required to pass one or more of the following: written, performance, or oral examinations as prescribed by the Commission and as set forth in the notice of examination.
- b. Merit Ratings: Applicants must have merit ratings satisfactory to the Commission.
- c. Physical Examination: All applicants must be in excellent physical condition, in accordance with the health standards of the Civil Service Commission. Final applicant will be required to pass a drug test and physical examination based upon the essential functions of the job.

II. DEPUTY FIRE MARSHAL

Service Requirement: Must have an Associates degree in Fire Science or related field plus four (4) years full time Firefighter or Fire Inspector experience and completion of Fire Inspector I certification;

OR

A minimum of 30 semester credits (including at least one course in English, grammar, or writing), and six (6) years full time experience as a Firefighter or Fire Inspector and completion of Fire Inspector I certification.

OR

Seven (7) years full time experience as a Firefighter or Fire Inspector and completion of Fire Inspector I certification.

III. CAPTAIN

Service Requirement: Must have an Associates degree in Fire Science or related field and a minimum of five (5) years full time experience on the department as a Firefighter, including at least one (1) year as a Firefighter II, Engineer, or Firefighter/Paramedic (If degree is in a related field, Fire Officer I certification is also required.);

OR

Fire Officer I certification, at least 30 semester credits (including at least one course in English, grammar, or writing), and six (6) years full time experience on the department as a Firefighter, including at least two (2) years as a Firefighter II, Engineer, or Firefighter/Paramedic;

OR

Fire Officer I certification, at least one course in English, grammar, or writing, and seven (7) years full time experience on the department as a Firefighter, including at least three (3) years as a Firefighter II, Engineer, or Firefighter/Paramedic.

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IV. FIRE MARSHAL

The Fire Marshal may be appointed by the appointing power subject to the approval of the Mayor.

Service Requirement: Associates Degree in Fire Science, completion of Fire Inspector I certification, International Fire Code Certification, and six (6) years of experience in the firefighting field, including at least two (2) years as a Deputy Fire Marshal or one (1) year experience as a Captain.

OR

Any equivalent combination of education and experience.

V. BATTALION CHIEF

Service Requirement: Bachelor's Degree in Fire Service Administration or related field, including Fire Officer II certification and seven (7) years of full time experience in the firefighting field, to include at least two (2) years of service as a Captain.

OR

Associates Degrees in Fire Science and eight (8) years of full time experience in the firefighting field, to include at least three (3) years of service as a Captain.

OR

Fire Officer I certification and a minimum of 30 semester credits (including at least one course in English, grammar, or writing) and nine (9) years full time experience in the firefighting field, to include at least four (4) years service as a Captain.

OR

Fire Officer I certification and ten (10) years full time experience in the firefighting field, to include at least five (5) years service as a Captain.

VI. DEPUTY FIRE CHIEF

The Deputy Fire Chief may be appointed by the appointing power subject to the approval of the Mayor, with advice and consent of the Municipal Council.

Service Requirement: Graduation from college or university with a bachelor's degree in fire science or a related field and seven (7) years experience as a Firefighter, including two of those years in supervisory experience, plus at least one (1) year as a Battalion Chief OR any equivalent combination of education and experience.

SCHEDULE C

Health Standards and Requirements for Positions in the Civil Service

I. EXAMINATION REQUIREMENTS.

- a. All applicants for appointment and employees in the Civil Service must pass a physical examination based on the essential functions of the job and physical standards established herein. The examination shall be given by a physician designated by the Human Resource Director. Applicants for appointment failing to pass such examination shall not be considered further except as expressly provided herein. Whenever an employee fails to pass the examination, the examining physician shall make a report to the Commission, setting forth the following information:
 1. Nature and extent of defect.
 2. Whether or not the defect is correctable, and a recommendation concerning the advisability of correction and how long the applicant should be allowed for correction.
 3. Whether or not the defect presently interferes with the full performance of employee's essential functions of the job.
 4. Whether or not the defect will interfere with the performance of duties connected with the position.
 5. Whether employee's condition is likely to become aggravated by performance of duties.
 6. Whether the condition will become progressively worse, and whether it may interfere with the performance of duties in the future, or cause other conditions which may interfere with the performance of duties.

Following receipt of such report, the Commission will make such further examination as it deems necessary. Thereafter the Commission will take such action concerning the matter as it deems appropriate.

- b. Waivers. The Commission may waive a disqualifying condition found to exist when it finds that the condition will not interfere with the present performance of the essential functions of the position and will not become worse through a natural progression of the condition, or through performance of the duties or otherwise. Waivers shall be granted by the Commission only when in its judgment such action will be for the betterment of the service. Waivers may be granted by the Commission on its own motion or upon written application of the disqualified applicant, or employee.
- c. Appeal from Rejection. Any person who fails to pass the physical examination may, within fifteen (15) days after notice of such failure, apply to the Commission for re-examination of the disqualification. The application must be accompanied by a written statement of a licensed physician in the State of Utah to the effect that in the physician's opinion, the disqualifying condition does not exist or is not serious enough to interfere with the person's performance of assigned duties. Upon receipt of such application and physician's statement, the Commission shall cause an investigation of the condition to be made, and may request the person to be reexamined as to the disqualifying condition. Following such investigation, the Commission shall make a final determination as to whether or not the person is eligible for appointment, promotion, or continued employment. For related information, please see the Murray City ADA Policy, Appeal procedures.

II. HEIGHT AND WEIGHT.

Height and weight must be proportionate as determined by the attending physician or schedule.

III. VISION.

- a. Each eye will be examined for disease or muscular defect.
- b. Visual Acuity: Far vision acuity must be tested for both eyes only. (Each eye not to be tested individually) Only corrected near vision acuity should be assessed.

POLICE OFFICERS

Visual acuity must be 20/20 in each eye with or without correction.

Uncorrected visual acuity must be 20/40 binocular or better for wearers of hard and semi-rigid gas permeable contact lenses or glasses.

Successful long-term soft daily wear contact lens wearers correctable to 20/20 are subject to no uncorrected standard.

Significant loss of color vision is unacceptable for safety positions.

Colored soft contact lenses may not be worn, as they produce field loss ranging in one recent test from 21 to 47 percent.

Significant decrement in visual field performance (peripheral vision) in either eye is unacceptable for safety positions. Field of vision must extend across an arc (at the horizontal meridian) of at least 140 degrees in both eyes and at least 70 degrees in each eye tested separately.

FIREFIGHTERS

Visual acuity must be 20/30 in each eye with or without correction.

Uncorrected visual acuity must be 20/100 binocular or better for wearers of hard contacts or glasses.

Firefighters with uncorrected acuity of less than 20/100 in either eye must carry a spare pair of glasses.

Successful long-term soft daily wear contact lens wearers correctable to 20/30 or better are subject to no uncorrected standard.

Color vision must be adequate to distinguish red, green and yellow (primary colors only).

Significant loss of color vision is unacceptable for safety positions.

Significant decrement in visual field performance in either eye is unacceptable. Field of vision must extend across an arc (at the horizontal meridian) of at least 140 degrees in both eyes and at least 70 degrees in each eye tested separately.

Colored soft contact lenses may not be worn, as they produce field loss ranging from 21 to 47 percent.

- c. Color Vision: Persons applying for Police Officer or Fire Fighter positions who are determined to be color blind will be rejected. Police and Fire applicants rejected for defective color vision will be reconsidered for appointment upon presenting a statement from a licensed ophthalmologist in the State of Utah specifying the extent of such color defects and giving an opinion as to the extent to which these color defects would interfere with the applicant's work. Upon the presentation of said statement the Commission will reconsider the applicant to determine if the extent of color-blindness is so limited as to not materially interfere with his work; if so, the Commission may waive the color blindness of the applicant.

IV. HEARING - POLICE AND FIRE

- a. Pure tone thresholds in the worst ear not worse than 25dB at 500Hz, 1000Hz, or 2000Hz, and not worse than 35 dB loss at 3000Hz or no greater than 30 dB at any of the first three frequencies and an average of 30 dB for the four frequencies is acceptable for safety classifications.
- b. On re-examination for retention or promotion, a hearing loss change of over 20 decibels from the initial examination will require an evaluation by a hearing specialist. A hearing loss in excess of 30 decibels in any frequency may result in failure of the examination. The hearing test may be made with the aid of a hearing aid for retention.
- c. An applicant with any of the following may be rejected:
 - 1. Chronic suppurative otitis media;
 - 2. Perforated eardrum with chronic suppuration;
 - 3. Meniere's syndrome.

- V. All other job related medical conditions will be reviewed and evaluated by the designated physician, using established med-tox occupational health services examination and medical guidelines.

SCHEDULE D

Psychological Standards and Requirements for Police positions in the Civil Service

I. EXAMINATION REQUIREMENTS.

- a. All Police applicants for appointment in the Civil Service must pass a psychological evaluation based on the essential functions of the job and standards established herein. The evaluation shall be given by a psychologist or psychiatrist designated by the Commission. Applicants for appointment failing to pass such evaluation shall not be considered further except as expressly provided herein.
- b. Appeal from Rejection. Any person who fails to pass the psychological evaluation may, within fifteen (15) calendar days after notice of such failure, apply to the Commission for review. The application must be accompanied by a written statement of a licensed psychologist or psychiatrist in the State of Utah to the effect that in the practitioner's opinion, the disqualifying condition does not exist or is not serious enough to interfere with the person's performance of assigned duties. Upon receipt of such application and practitioner's statement, the Commission shall cause an investigation of the condition to be made, and may request the applicant to be reexamined as to the disqualifying condition. Following such investigation, the Commission shall make a final determination as to whether or not the applicant is eligible for appointment. For related information, please see the Murray City ADA Appeal procedures.
- c. The Commission may also summarily dismiss an appeal from rejection, if the candidate is not able to produce a written statement from a psychologist or psychiatrist that the disqualifying condition does not exist or is not serious enough to interfere with the applicants performance of assigned duties.

Nov. 2000

"Schedule D"

SCHEDULE E

INTERPRETIVE BULLETIN NO. I

Interpretation of Section 10, Paragraph 3 pertaining to established weights given the four factors measured on all in-rank promotional exams.

The weighted factors as called for in Section 10-3 shall be calculated in accordance with the following example:

Officer John Doe has ten years experience on the Police force and through competitive testing came up with the following test scores:

Seniority of Service

$$5 \text{ years} \times \frac{1}{2} \text{ point} = 2.5/5 \text{ possible} = 50\% \times .05 = \underline{2.50 \text{ points}}$$

Written Examination

$$\text{Raw Score } 50/60 \text{ possible} = 83\% \times .45 = \underline{37.35 \text{ points}}$$

Oral Interview

$$\text{Raw Score } 31/40 \text{ possible} = 78\% \times .30 = \underline{23.40 \text{ points}}$$

Merit Ratings

Scores for past three years -- 82%, 85%, 85%

$$\text{Total: } 252/300 \text{ possible} = 84\% \times .20 = \underline{16.80 \text{ points}}$$

TOTAL POINTS

80.05 Points

Therefore, the total combined points of said officer is 80.05 points.



MURRAY CITY SAFETY MANUAL

Revised 06/02

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>PAGE</u>
Forward.....	i
Introduction.....	iii
Training and Job Instruction.....	vi
Workers Compensation.....	vii
Early Return to Work Policy.....	xi
Worker Right to Know - Chemical Hazard Communication	xiv
I. General Rules.....	1
II Office Safety.....	5
II Housekeeping.....	7
IV Fire Prevention.....	10
V Material Handling and Back Care	12
VI Personal Protective Equipment.....	16
VII Hand Tools.....	30
VIII Power Tools.....	31
IX Lockout/Tagout.....	40
X Construction Safety: Above Ground and Underground Work.....	44
XI Confined Space.....	54
XII Ladders and Scaffolding.....	65
XIII Motor Vehicles and Mobile Equipment.....	67
XIV Traffic & Property Incident Policy.....	71
XV First Aid, Bloodborne Pathogens	73
XVI Safety Incentive Programs	76
XVII Violations of Safety Policies/Procedures.....	82

IN CASE OF EMERGENCY CALL 911

Rev. 06/02

FORWARD

Murray City is sincerely concerned with the safety and welfare of its employees and the public it serves. It acknowledges an obligation as an employer to provide the safest possible working conditions for employees and a safe environment for the public that we are concerned about. These are irreplaceable. Your means of livelihood is diminished or at worst destroyed when you are disabled. You and your family are the chief sufferers.

The primary purpose of this booklet is to acquaint you with the general safety rules and policies. It reflects the efforts of many people to establish reasonable, practical, safe work practices to prevent accidents. Our approach to accident prevention cannot be simple or basic; it is complicated by the wide differences in tasks performed and the differences in work environments. Rules and policies concerned with specific department operations will be explained to you by your supervisor. Note: As you study this manual, the masculine gender includes the feminine and neuter.

We can and we must perform the tasks of government operations and public services without accidents. It is the responsibility of all City employees to contribute to that goal. The attitude which shall guide our efforts is as follows:

1. Accidents are caused and can be prevented.
2. Safety is a mark of skill and of good sense.
3. The City is sincerely interested in safety and is willing to pay in time and money to prevent accidents.
4. Safety is a personal responsibility.
5. No job is so important and no service is so urgent that we cannot take time to perform our work safely.
6. We owe a moral obligation to each other to do everything possible to prevent accidents.
7. Managements interest in preventing accidents is sincere. Neither the employer nor the employee can afford the losses that accompany an accident.
8. The work areas and equipment will be kept as safe as possible. As new hazards are discovered, corrective measures will be taken.

9. Each employee should report all unsafe conditions encountered in his work.
10. No employee is expected to undertake a job until he has learned to do it and is authorized to do so by his supervisor.
11. All injuries must be reported immediately.
12. Compliance with safety rules (such as the use of safety equipment) is a condition of employment.

We will achieve a good, a mediocre, or a poor occupational safety record in direct proportion to the amount of effort we are willing to put into it. Mere wishful thinking or talking about it will not produce the results we must achieve.

The safe worker benefits himself, his family, his fellow workers, his City and the rest of society in which he lives. Make safety your way of life.

INTRODUCTION

This manual is issued to inform City employees about the management policies that are the basis for our occupational safety program, and to establish uniform safety procedures for tasks that are performed in more than one public service division. Safety procedures for specialized tasks performed solely by one particular unit shall be prepared by the department head concerned and, after approval of the City safety committee, issued only to employees performing those tasks. It should be emphasized that all employees should comply with these specialized rules whether they are included here or not.

The manual is divided into sections, each concerned with a particular type of task, equipment, operation, or hazard so that they will be easy to read, understand, and follow.

All employees sign an agreement to carefully study (not merely read, but CAREFULLY STUDY) this manual within a reasonable time after receiving it (usually within 30 days). As new sections are added to the manual, they must also be studied. If, after studying the manual, an employee has any questions, they should contact their Department Head or the City Safety/Health Manager.

Department heads have been directed to make safety a matter of continuing concern, equal in importance to all other operational considerations. They have further been directed to develop and administer an active department safety program. The program sets standards every employee must accept if it is to be successful. All employees are charged with responsibility for cooperating with, and supporting, the safety program objectives. Every employee is expected, as a condition of employment to concern himself with his own safety, the safety of his fellow workers, and the safety of the general public affected by City functions. This means willing acceptance and active support of approved safety rules or safety procedures. It is important that employees be constantly on the alert for potential hazards which are not referred to in any written practices, but which may result in injuries or property damage. Where potential hazards are thought to exist, employees shall use all known precautionary measures, and when in doubt as to the procedure to follow, shall consult their supervisor before proceeding with the work.

SAFETY is a way of life. Most people endorse it, many talk of it frequently, but all of us fail in varying degrees to live up to the commitment we preach. Failures in accident prevention occur when we overlook safety to concentrate on a mechanical skill or problem; or when we fail to recognize a hazard; or when we just get in too big of a hurry to get the job done and take unnecessary risks.

Experienced professionals in any occupation recognize that you cannot afford to ignore safety. Accidents are too costly. They cost employees physical pain, possible disability, and potential loss of income or future earning power. Workman's Compensation, no matter how liberal, will never equal the cost of injuries to employees. It is certainly small consolation to the wife and children of an employee who suffers fatal, or severely crippling injuries. Accidents cost employees money and lost time for Workman's Compensation, medical treatment, repair of damaged equipment and many hidden costs that are not easily measured. Accident pre-vention is just plain common sense self insurance. Safe operating procedures are a demonstration of a job skill. Safe performance is efficient performance.

AN ACCIDENT IS ANY UNPLANNED EVENT THAT INTERRUPTS PRODUCTION. When we use the term "production", we are talking about the successful completion of any work task. The remark, "we almost had an accident," is usually understating the situation because, even though no one was injured or no property was damaged, there is always some cost involved. It may be merely a slowdown in production or work performed. The lesson that is important to heed is that the so called "near misses" are warning signals. Something is wrong. It should be identified and corrected before someone is injured. A careful study of accidents over the years has proved a simple, basic law governing human behavior: If an unsafe act is performed enough times, or an unsafe condition is allowed to exist long enough, it will eventually result in an accident. Just how long it will take may vary, but an accident is bound to occur sooner or later.

Accidents don't just happen. They are caused. They are caused because someone did something he shouldn't have done; or because a hazard was not recognized. These are human failures. Human failures can be controlled. By exercising self-control, every employee has an opportunity to demonstrate job skill. By passing on this knowledge to others, an employee demonstrates team work. By demanding safe performance and enforcing approved safety procedures, a supervisor demonstrates concern for his employee's welfare. Accident prevention can be the most important employment benefit any of us have.

What does all this add up to? Here is a positive side of safety: (1) Safety is a matter of COMMON SENSE acceptance of procedures developed through experience for your self protection. (2) The SAFE way to do a job is the most EFFICIENT way to do it. (3) SAFE performance - a good safety record - is a mark of JOB SKILL. (4) Shortcuts that ignore safety usually take more time than save time.

" WATCH YOUR STEP "

TRAINING AND JOB INSTRUCTION

All supervisors shall be expected to study the application of safety engineering principles to supervision techniques. Supervisors are expected to conduct on-the-job training to help you learn how to adapt skills you now have to some of the unique requirements of municipal employment. Supervisors are expected to conduct "tailgate sessions" to plan and layout daily work assignments, or make frequent individual contacts emphasizing potential hazards and safety procedures to avoid them. They will observe your performance and correct you when necessary to insure that safe job procedures are followed.

When accidents occur, supervisors will investigate them. While an employee may have to accept responsibility for deliberate, wanton acts, the main purpose for the early investigation is fact finding, not fault finding. The objective, of course, is to determine how and why the accident happened so that we can prevent it from happening again. There should be a constant program of job safety analysis to identify hazards and eliminate them before accidents happen. You may be called upon to help make such analysis.

RESPONSIBILITY FOR SAFETY

1. The DEPARTMENT HEAD may and usually does delegate authority and assign responsibilities for most areas in his control. The department head cannot delegate or sign away his responsibilities for accident prevention, however. The results from this program are expected to be in direct proportion to the interest and guidance provided by the department head.
2. SUPERVISORS will assume the responsibility of thoroughly instructing their personnel in the safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors will act positively to eliminate any potential hazards within the activities under their jurisdiction to include the practice of conducting in-house quarterly safety inspections, and they will set the example of good safety practice in all spheres of their endeavors. Safety records shall be measured along with other phases of supervisor performance. Therefore, it is absolutely essential that such records be complete and accurate and that all accidents be fully reported to include "First Report of Injury" and "Supervisor's Investigation Report".

3. ALL EMPLOYEES are responsible for compliance with safety procedures, standards, and rules outlined in this manual or other applicable directives that are established to prevent injury to themselves, other persons or damage to equipment and property. They are also responsible for promptly reporting to their supervisor any hazardous conditions or procedure that affects them, their fellow workers, or the general public.
4. The Safety/Health Manager is responsible for the organization, coordination, and implementation of programs and safety education, hazard inspections/elimination, and accidents/injury reporting. The Safety/Health Manager will advise the Mayor, department heads, and supervisory personnel on problems relating to accident prevention, and will recommend appropriate action to correct the problem areas. However, the Safety/Health Manager is not expected to exceed his staff administrative responsibility to perform line functions that are properly a responsibility of management and supervisors. The Safety/Health Manager does not relieve department heads and intermediate supervisors of a basic responsibility; that of expanding their management and supervisory practices to incorporate safety engineering principles in all supervisory efforts.

WORKERS COMPENSATION POLICY

PROVISION

Workers' Compensation benefits are provided to Murray City employees who become injured on the job and cannot perform their normal duties due to an accident or an occupational disease.

ELIGIBILITY

Murray City employees are eligible for workers' compensation as required by the State of Utah Workers' Compensation Act and Utah Occupational and Disability Act.

WORKERS COMPENSATION COVERAGE

Workers' Compensation shall cover and pay the following:

1. Hospital and medical bills.
2. Time lost from work.
3. Permanent partial or permanent total disability as defined by the Utah Workers' Compensation laws.
4. Death and burial benefit.

REPORTING REQUIREMENTS

1. An employee who is injured must immediately report the injury or incident to the employee's immediate supervisor.

2. The injured employee's supervisor must fill out an IHC Authorization of Medical Treatment Form and send this form with the employee. The employee should be taken to IHC WorkMed at 201 East 5900 South in Murray Between the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday. All life threatening injuries should be taken directly to Cottonwood Hospital emergency room or the nearest hospital regardless of the time of day. After hours, the employees should use Taylorsville InstaCare at 3845 West 4700 South until 10 p.m., 7 days a week, and then Cottonwood Hospital emergency room thereafter. **Failure to use the above medical facilities may result in lost or reduced medical benefits.**

Employees working outside the Murray areas should use Intermountain Health Care (IHC) facilities whenever possible.

3. The injured employee's supervisor must fill out the Employer's First Report of Injury and Supervisor's Investigation Forms, forwarding them to the Human Resources Department within 72 hours from the date of injury.
4. An employee reporting an accident resulting in injury while performing his or her duties on the date of the accident will be paid for that day by his or her Department or Division.
5. Following an employee's return to work, partial absences from work which relate to the original injury (doctor's appointments, physical therapy, etc.) will be charged to Workers Compensation.
6. If it is determined to be a work-related injury, the City has a Return-to-Work program, utilizing varied restricted duty work assignments. Therefore, the least desirable alternative for the employee and for the City is for an opinion to be rendered requiring the employee to be off work. Potential assignment for temporary restricted duty due to an on-the-job injury could include:
 - a. The employee's regular job, with accommodations for their short-term inability to do all the requirements of their job. For example, regular jobs with no lifting over a specified amount of weight;
 - b. Temporary restricted duty can be assigned for full or partial days, depending on the ability of the employee to withstand the assignments;
 - c. Temporary work assignments of a nature where skill and knowledge of their regular job are important but are not necessary to carry out the assignments. For example, inspection of workplace, cleaning and maintaining tools, inventory-type work, etc.;

- d. Clerical assignments- such as reception desk work, answering the telephone, filing, or mail delivery; and
- e. Self-study programs on areas specifically related to their work assignments, or more general self-improvement types of study courses. These are generally for a period of two to four hours a day.

PERIOD OF DISABILITY COMPENSATION

Temporary total disability: temporary total disability will be paid according to the dates that a doctor certifies the employee is unable to work and the employee's injury is not medically stable. During the period of medical care, doctor's reports must be completed and submitted to establish the dates for which employee compensation will be paid.

1. The responsible supervisor shall insure that the injured employee is notified of the need to maintain communications as to his or her work status. The injured employee will request and turn in to his or her supervisor the dated written notification received by the physician including employees' work status and/or next appointment date. When the doctor provides a release to return to work, it must specify full or restrict duty to include any work restrictions such as no lifting over 20 pounds, pulling, bending or etc. A copy of the doctor's release shall be forwarded to the Human Resource Department.

Permanent Partial Disability: Permanent partial disability will be given to an employee who suffers a permanent loss of body function because of a job related injury. Permanent partial disability may occur when an employee is released for work or it may occur at a later date when an employee has reached a state of recovery.

Permanent Total Disability: Permanent total disability begins when one of the following condition exists:

1. May be able to work - Employee meets the requirements of the Utah Code for permanent disability if he has suffered the loss of function or the loss of both hands or both arms or both feet or both eyes or any combination of these.
2. Unable to work - If an employee sustains a permanent disability which is so serious and totally disabling that he or she cannot return to do any work whatsoever.

The above items may be subject to change by the Utah Industrial Commission.

COMPENSATION PAYMENTS

Compensation payments are determined by the doctor's statement showing the amount of time off from work, and also verification by the Department/division as to the number of days/hours the employee has been off work. This information is used by Murray City and the Workers Compensation fund of Utah to figure time and rate of compensation as follows:

Time Off Work Reported by Doctor Payments Made by Murray City

Less than 3 days	Paid in full by Murray City
4 to 14 days	Paid in full by Murray City
More than 14 days	Paid in full by Murray City

1. **Notice: Any monies you receive from the Workers Compensation Fund of Utah for time off work must be turned in to the Human Resources Department.**
2. In computing days, the number of weekend days or holidays should be added. Time off does not need to be consecutive but must be confirmed by a doctor's report.
3. Employees on an approved workers compensation leave shall continue to pay the employees' standard premium rate for life, medical, and dental insurance.

RETURN TO WORK CRITERIA:

1. The employee will not be allowed to resume work until cleared by the attending physician. Murray City will act in the best interest of the employee and the City during the rehabilitation period. Whenever or wherever possible, the City will accommodate the employee's return to work, based upon the physicians recommendations, (i.e. the employee's functional abilities, limitation and work restrictions), providing restricted duties or shortened working hours where appropriate.
2. If the employee does not return when released from the doctor's care, the Department/Division head shall notify the employee that he or she is on unapproved leave and expected to return to work immediately.
3. An employee who does not report as directed, and makes no contact with the Department/Division within three (3) days shall be considered to have abandoned the job or resigned and will be terminated.
4. The City can refuse to let an employee with a disability return to work if (1) they cannot perform the essential functions of their current job with or without an accommodation or (2) would pose a significant risk of substantial harm to the health or safety of the employee or others, if the risk cannot be eliminated or reduced to an acceptable level with reasonable accommodation.

Revised 11/99

EARLY RETURN TO WORK POLICY

It is our philosophy to provide as safe as possible work environment for our employees. All employees are encouraged to share safety ideas with supervisors. Everyone is responsible for following safety rules and using safe behaviors and personal protective equipment when necessary.

If an employee is injured, Murray City will use our return to work process to provide assistance. We will get immediate, appropriate medical attention for employees who are injured on the job and will attempt to create opportunities for them to return to safe, productive work as soon as medically possible.

Our ultimate goal is to return injured employees to their original jobs. If an injured employee is unable to perform all the tasks of the original job, we will make every effort to provide alternative productive work that meets the injured employee's capabilities.

The support and participation of supervisors and all employees are essential for the success of our return to work process.

PROCEDURES FOR THE RETURN TO WORK PROCESS

Follow these procedures when an employee is injured on the job.

1. An employee who is injured must immediately report the injury or incident to the employee's immediate supervisor
2. The supervisor is responsible for completing a First Report of Injury Form and a Supervisors Report for every injury, whether or not medical attention is needed. These reports are to be sent to the Human Resources office within 72 hours from the time of injury.
3. If medical attention is needed, the injured employee's supervisor should provide the treating physician with a copy of the injured employee's job description which describes job duties and essential job functions.
4. If the employee is restricted from work, the supervisor should communicate regularly with the employee.

The supervisor should talk with the employee on the day of injury and once a week until the employee returns to work. The supervisor should obtain a copy of the Return to Work Form from the employee.

5. When the treating physician releases the employee to alternative productive work, the supervisor should attempt to develop an alternative assignment. Every assignment should meet the physician restrictions.

EVERY EFFORT WILL BE MADE TO DEVELOP ALTERNATIVE PRODUCTIVE WORK.

6. The supervisor must keep a copy of the physician's Return to Work form.
7. The supervisor must follow up with the employee on a regular basis after the employee returns to work.

STATEMENT OF RESPONSIBILITIES

EMPLOYEE RESPONSIBILITIES:

1. Report all injuries to your supervisor immediately. If your supervisor is not available, contact the Safety/Health Manager. All injuries are expected to be reported within 24 hours of occurrence.
2. If you are injured, tell the physician that alternative work is available to you.
3. If not released to work, call you supervisor once a week to let them know how you are doing. The purpose of this contact is to update the supervisor on the medical condition as it relates to your work capacity and availability for temporary alternative productive work assignments.
4. Attend all medical appointments and within 48 hours provide your supervisor with a copy of the physicians Return to Work Form(s) which may include work capacity and duty restrictions.
5. If the physician releases you to work, return to work on the next scheduled shift.
6. If the physician gives you medical restrictions, actively participate in the Early Return to Work program and perform temporary alternative productive work as assigned within medical limitations.

Our Early Return to Work Program is intended for a temporary alternative productive work assignment lasting a maximum of 12 weeks. Long term job accommodations will be done on a "case by case" basis in consultation with your Department Head and the Human Resources Department as well as yourself and your representative.

SUPERVISOR RESPONSIBILITIES

1. Contact the injured employee once a week and make sure all necessary forms are completed and returned to the Human Resource office.
2. Express concern for the employee's health and recovery.
3. Help create modified duty work assignments available within the employee's limitation per the physician's treatment instructions. If no instruction/restriction/limitations are noted, the supervisor is to contact the Safety/Health Manager immediately.

4. Make sure the injured employee is following the physician's restrictions for work assignments while on light or temporary restricted duty assignment.
5. Make increases in the level of activity/physical demands of tasks assigned in order to be consistent with the physician's progressive work status reports so that the employee progresses toward returning to their original job.
6. Check the employee's condition regularly to help get the employee back to their original job.

HEALTH CARE PROVIDER RESPONSIBILITIES:

1. Provide immediate and appropriate medical care to the injured employee.
2. Assess the abilities of the injured employee.
3. Provide the employee with any necessary physical restrictions to follow when doing job functions.
4. Provide information about the employee's work capabilities to the employee's supervisor and the City Safety/Health Manager.
5. Become familiar with operations at the employee's workplace.

SAFETY/HEALTH MANAGER RESPONSIBILITIES

1. Act as the City representative
2. Maintain contact with the Health Care provider, Workers Compensation Fund (WCF), the employee, and the employee's supervisor.
3. Maintain record keeping and a reporting system for incidents and injuries.

WORKERS COMPENSATION FUND (WCF) RESPONSIBILITIES

1. Assign a claims adjustor or Vocational Rehabilitation Counselor to make a "three point" contact with the injured employee, physician and the City.
2. Provide workers' compensation benefits to the injured employee.
3. Provide information about the return to work process.

Murray City will get immediate medical attention for employees who are injured on the job and will attempt to create opportunities for them to return to safe, productive work as soon as medically possible.

WORKER RIGHT TO KNOW: CHEMICAL HAZARD COMMUNICATION

In an effort to better assure the health and safety of City employees, it is our policy to reduce the potential hazards to all employees from chemical substances used and/or stored in City work places and facilities. In an effort to maintain an increased awareness of hazard potential, the City shall:

1. Maintain written inventories of hazardous chemicals used or stored in City work areas.
2. Clearly label all products and containers stored so the label is visible.
3. Maintain a current file of Material Safety Data Sheets (MSDS's) for all hazardous materials and keep copies of MSDS's at each work site for all materials used and/or stored at that specific site.
4. Provide general training to all employees regarding health hazards, proper handling of chemicals, correct emergency procedures, and proper use of chemical hazard information.
5. Provide outside firms contracted with the City with all pertinent chemical hazard information as well as protective measures to lessen the probability of employee exposure.

"DOING THE JOB RIGHT SAVES EXPLAINING WHY IT WAS DONE WRONG."

In addition to the Murray City Safety Manual, Murray City Power Department has adopted the American Public Power Association (APPA) Safety Manual, Eighth Edition, (1988) in its entirety, with the following exceptions:

- Rule 112, para. "h", pg. 25 - Deleted
- Rule 117, pg. 28 - Deleted in its entirety. (Murray City Power Dept. employees shall ventilate suspect areas so supplemental breathing equipment will not be necessary.)
- Rule 123, pg. 30 - Where applicable, this rule shall also apply to hydraulic tools.
- Rule 131, pg. 35 - Deleted in its entirety. (Murray City Power Department employees shall not be involved in activities covered in Rule 131.)
- Rule 206, pg. 44 - Deleted in its entirety. (Murray City Power employees shall ventilate areas where respirators would otherwise be used.)
- Rule 310, pg. 52 - Applies to backhoes where applicable.
- Rule 311, para. "g", pg. 55 - Continue sentence as follows:
"...except in specific vital instances and only upon special authorization."
Also, accepted Murray Power hand signals shall apply for pages 55 and 56.
- Rule 503, para. "n", pg. 65 - Continue paragraph as follows:
Gaff sheaths shall be used when gaff is not in use.
- Rule 506, pg. 69 - Deleted in its entirety. (Murray City Power Department employees shall not become involved in bare-handed work on energized lines.)
- Rule 601, para. "b", pg. 85 - Except for certain types of trees and except in specific vital instances and only upon special authorization."
- Rule 602, para. "j", pg. 87 - Deleted in its entirety.
(Murray City Power Dept. employees shall not be involved in the use of electric powered tools in tree associated work).
- Rule 606, pg. 89 - Where applicable, this rule shall apply to stump grinders.
- Rule 803, pg. 102; Rule 806, pg. 105; Rule 810, pg. 108; Rule 811, pg. 108; Rule 812, pg. 110; Rule 813, pg. 111; and Rule 815, pg. 112 - Deleted in their entirety.
- Sect. 10, pgs. 116-125 - Deleted in its entirety. (Refer to Murray City Standard First Aid Training Procedures.)

The Murray City Parks Department has specific procedures for Operation of an Ammonia Refrigeration System and Respiratory Protection for Ice Skate Sharpening. These procedures apply to the Parks unique operations.

SECTION I

GENERAL RULES

Safety means efficient performance. Safety must, therefore, be a part of the planning for every job, equal in importance to all other operational considerations. Observing the safety procedures contained in this manual will make City operations safer, for every employee must be alert to the possibility of improvement. People are constantly finding new ways to do things. The new ways are not always safer, or even an improvement in any sense perhaps, but it is possible to find safer ways to do things that are improvements upon established methods. Employee suggestions for improvements of work conditions and work procedures are welcomed, in fact, invited. Changes must not be made, however, until suggestions have been evaluated and revision of the current procedure has been approved.

Unsafe conditions and unsafe procedures must be identified before they can be corrected. Consequently, every employee is responsible for immediately reporting those he recognizes. All accidents should be reported, whether personal injury or property damage is involved, or not. Remember - the "near misses" are danger signals. The accident you prevent may be the one that could have injured you. (Remember - AN ACCIDENT IS ANY UNPLANNED EVENT THAT INTERRUPTS PRODUCTION.)

The following general safety procedures are established:

1. Report all personal injuries, no matter how minor, to your immediate supervisor as soon as possible. This must be done whether the injury resulted in lost time from work or required medical attention or not. Prompt reporting of accidents is a requirement under Federal and State OSHA Laws and the Workman's Compensation Law.
2. The City does not expect you to take any unnecessary chances to work under hazardous conditions. Learn the right way to do your job. That will be the safe way. If you are not sure you thoroughly understand the job, ask your foreman for further instruction.
3. Avoid horseplay and practical jokes on the job. Any employee participating in such activities shall be subject to disciplinary action.
4. Consumption of alcoholic beverages or drugs on the job, or during working hours, is prohibited. Any employee reporting to work under the influence of illegal drugs or alcoholic beverages during working hours shall be subject to disciplinary action.

5. Work at a speed consistent with safety. "FOOLISH HURRY", such as running in passage ways or on stairs is dangerous.
6. Keep yourself in good physical condition to do a day's work.
7. Use hand rails on stairs on elevated places.
8. Jumping from an elevation, such as a table, bench, or platform, is liable to result in serious injury. "DON'T DO IT."
9. Always inspect tools and equipment before use. Report defects to supervisors and other potential users. Do not use tools and equipment that are defective to an unsafe degree.
10. Remove splinters from work benches, tables, bins, shelves, or chairs before someone is injured.
11. Remove, cut off, or hammer down protruding nails, staples or steel straps.
12. Work clear of suspended loads; if a load is moved above where you are working, stand aside until it has passed by.
13. Obey warning tags and signs. They are posted to point out hazards.
14. Operate only the machinery or equipment you have been authorized and trained to operate safely.
15. Remove jewelry, such as rings, identification bracelets, etc., in work involving climbing, materials handling, or operating mechanical equipment.
16. Never reach over moving parts of machinery or equipment.
17. Never operate machinery or equipment with guards removed.
18. Report to work in appropriate clothing suitable for the type of work you perform. This includes footwear. Avoid wearing loose clothing or jewelry near machinery or equipment with moving parts.
19. Wear protective equipment as required. Its use will be enforced.
20. Common sense, health and sanitation rules, must be observed for the welfare and consideration of other employees.

VIOLATIONS OF SAFETY POLICIES/PROCEDURES

All employees have signed an agreement to carefully study, understand, and follow the management policies contained in the Safety Manuals including the Power Department APPA Safety Manual. The goal of discipline is to correct safety non compliance by following the City Management Policies outlined in the occupational safety program. Safety policies are a condition of employment that concern individual safety, the safety of fellow employees, and the safety of the general public affected by City functions. This may be achieved by applying these basic principles:

1. Regularly remind all employees of the proper conduct as contained in the City Safety Manuals.
2. Call immediate attention to the infraction.
3. Apply discipline consistently.
4. Consult with line supervisor, Department/Division heads and the Human Resources Director regarding problem cases.

FORMS OF DISCIPLINE THAT MAY BE IMPOSED

All employees of Murray City are subject to disciplinary action for violations of established safety policy/procedures. Discipline generally involves one of the following, however, combinations or level of disciplinary action may be imposed in any fact situation based upon the type, frequency and seriousness of the incident/injury/ accident. For example, a more serious sanction may be warranted for violations which has resulted in personal injury or property damage. On the other hand, lesser level of discipline may be appropriate for a less serious violation which does not involve personal injury or property damage.

ORAL REPRIMAND: This is a clear, verbal communication to the employee that a safety violation as contained in the Safety Manuals has occurred and includes a warning the violation is not to occur again. This form of discipline shall be appropriate for minor infraction, but not for serious safety infractions.

WRITTEN REPRIMAND: This is the written record of violation of safety policies and includes a reference to all previous disciplinary action's and/or new violations. A copy of the reprimand will be placed in the employee's personnel file.

SUSPENSION WITHOUT PAY: Suspension is a serious penalty and applies to serious violation of safety policies which endanger an individual's safety, the safety of fellow employees, and the safety of the general public or continued violation of the policy.

PLACED ON PROBATION: The movement of an employee from the status of a regular career or civil service employee to a probation status for unsatisfactory job performance is permissible and can be used as a disciplinary action.

DEMOTION: This form of discipline is used in an attempt to encourage a change in the employees work habits, attitude and conduct concerning an individual's safety, the safety of fellow employees, and for the safety of the general public, while on the job. However, there are some instances where management shall have the option of demoting or dismissing an individual who is totally unresponsive to making the required corrections, adjustments, etc.

DISMISSING AN EMPLOYEE: Dismissal will follow attempts to correct the serious violation of one or more safety policies or where significant injury or property damage has occurred.

An employee may seek an administrative review of any action taken under this policy as provided by state law or City ordinance (refer to Career Service or Civil Service Grievance/Appeal procedures).

Adopted 5/02/96

" DON'T BEGRUDGE OLD AGE,--IT'S A PRIVILEGE DENIED TO MANY
BECAUSE OF ACCIDENTS. "

SECTION II

OFFICE SAFETY

Office work is more dangerous than is commonly supposed, and many accidents occur during ordinary office routine.

1. Every employee shall be responsible to see that his own desk and work area is clean and orderly. Pick up items, such as pencils or paper clips, and wipe up any spilled liquids. Good housekeeping is the key to a safe office environment.
2. Keep an eye open for loose or rough floor covering.
3. Be extra cautious when you come up to a door that can be pushed toward you. Take it easy when pushing one open and slow down when coming to a blind corner.
4. Haste when walking between desks results in bruises and falls. Watch out for electrical cords and keep them out of aisle ways.
5. All file, desk, and table drawers shall be kept closed when not in use. As soon as you leave them, close them. Never open more than one file drawer at a time.
6. Overloading the top drawer of unsecured file cabinets has caused many an injury and damage. If unfamiliar with the file cabinet, test the drawers and be careful not to pull them out too far if there is no locking device on them.
7. Furniture, such as tables, desks, and chairs must be maintained in good condition and free from sharp corners, projecting edges, wobbly legs, etc.
8. Tilting chairs can be a hazard when improperly used and care should be taken to assure that they are in good condition. Learn the limits. Be sure your chair is behind you before you sit down.
9. Never use chairs, desks or other office furniture as a make-shift ladder. Use a step ladder. Don't over reach and lose your balance.
10. Message spindles are a frequent source of puncture wounds to hands and other parts of the body. When used, the point shall be protected by a suitable blunt cover, or preferably, the point should be bent at a horizontal angle.
11. Keep blades of paper cutter closed when not in use.

12. Pencils are safest when carried point down in pockets.
13. Scissors, paper cutters, glass and razor blades can cause painful injuries. Report such injuries at once to protect yourself from infection.
14. Keep your hands clear of electric printers or typewriter carriages while they are in motion.
15. Paper can cut and it hurts. Use a sponge or other wetting device for envelopes. Use rubber finger guards when working with stacks of paper.
16. Keep paper clips, thumb tacks, and pins in a place where they can't bite, like an old typewriter ribbon box, and keep razor blades covered. Even a little scratch can get infected.
17. Be sure equipment is grounded and that the cord is in good condition. If a machine gives you a shock or starts smoking, unplug it, and report it.

" A MAN MUST BE BIG ENOUGH TO ADMIT HIS MISTAKES--SMART ENOUGH TO PROFIT FROM THEM--AND STRONG ENOUGH TO CORRECT THEM. "

SECTION III

HOUSEKEEPING

Many painful, and sometimes disabling injuries are caused when employees are struck by falling objects, or striking against or tripping over objects they did not see. Many injuries and much property damage stems from fires caused by poor housekeeping practices and improper storage of flammable materials. The best protection against these hazards is good housekeeping.

When materials are stored properly with adequate space to move through the storage area, or with adequate clearance to work within the storage area, accidents are prevented. With some planning before laying out a job, tripping hazards can be avoided and many other sprains, fractures and bruises that result from falls can be prevented.

Aside from the accident prevention benefits, good housekeeping means efficient performance. When materials, tools, and equipment all have a place for orderly storage, and are returned to the proper place after use, they are easier to find and easier to inspect for damage and wear.

The following safety procedures are established:

1. Keep work areas and storage facilities clean, neat and orderly.
2. All aisles, stairways, passageways, exits and access ways to buildings shall be kept free from obstructions at all times. All grease and water spills shall be removed from traffic areas at once.
3. Do not place supplies on top of lockers, hampers, boxes, or other moveable containers at a height where they are not visible from the floor.
4. When piling materials from storage, make sure the base is firm and level. Cross tie each layer. Keep piles level and not stacked too high. Keep aisles clear and with adequate space to work in them.
5. When storing materials suspended from racks or hooks, secure it from falling, and route walkways a safe distance from the surface beneath.
6. When storing materials overhead on balconies, provide adequate toe boards to prevent objects from rolling over the edge.

7. Do not let soft drink bottles, soiled clothes, etc., accumulate in lockers and work places.
8. Tools, equipment, machinery and work areas are to be maintained in a clean and safe manner. Defects and unsafe conditions shall be reported to your foreman.
9. Return tools and equipment to their proper place when not in use.
10. Lay out extension cords, air hoses, water hoses, ladders, pipes, tools, etc., in such a way as to minimize tripping hazards or obstructions to traffic.
11. Clean up spills immediately to avoid slipping hazards. In the event the removal cannot be done immediately, the area must be appropriately guarded, signed or roped off. Snow shall be removed from all access sidewalks and exterior stairs to buildings as soon as practicable. In the event the snow cannot readily be removed from traffic areas it shall be sanded or the area roped off.
12. Nail points, ends of loop or tie wires, etc., must not be left exposed when packing and unpacking boxes, crates, barrels, etc. Nails are to be removed as soon as lumber is disassembled.
13. Sharp or pointed articles should be stored as to prevent persons from coming in contact with the sharp edges or points.
14. All packing materials should be properly disposed of to prevent fire.
15. Waste baskets are to be emptied into approved containers.
16. Oily and greasy rags shall be put in a metal container for that purpose.
17. Adequate lighting in obscure areas shall be secured for the protection of both employees and public.
18. Employees should not handle food, tobacco, etc., with gasoline on their hands.
19. Gasoline must not be handled by an employee whose hands are cut or scratched.
20. All switches or drives on machinery shall be shut down and locked out before cleaning, greasing, oiling, or making adjustments or repairs.

21. Control or circuit breaker boxes should be kept closed at all times and clear of coats, rags, bottles.
22. Extension cords should not be run across aisles or through oil or water. Cords should be inspected for kinks, worn insulations, and exposed strands of wire before use.
23. When circuit breakers blow continually, it is an indication of an overload or short. This condition should be reported to your supervisor.
24. Keep electrical equipment properly oiled, free of grease and dirt.
25. To prevent static sparks, keep drive belts dressed. Also check belts for proper tension to prevent overloading motors.
26. Fire inspections and prevention measures shall be maintained.

" ONE SHOULD NOT BE AFRAID TO ASK DUMB QUESTIONS---THEY ARE EASIER TO HANDLE THAN DUMB MISTAKES. "

SECTION IV

FIRE PREVENTION

One of the most fearsome and damaging disasters that can occur in work activities is fire. In the variety of activities performed in municipal operations, there are shops and job sites in which potential fire hazards exist. Fires can be prevented by orderly planning, sensible arrangement of fire-producing activities in relation to combustible materials, good housekeeping, and observance of practical controls of smoking habits when flammable substances are present.

The following safety procedures are established:

1. Fire equipment shall be prominently displayed, labeled for usage, and kept clear for easy access at all times.
2. Know the location of fire extinguishers and how to use them. After use of an extinguisher, report such use immediately to your supervisor so a replacement may be obtained or the extinguisher recharged.
3. Oily rags and other flammable wastes shall be kept in covered, metal containers. Such debris shall be removed from shop building as soon as possible and, in no case, shall be left unattended in a building overnight.
4. Cleaning solvents that have flammable properties (a flashpoint below 140 degrees) shall be kept in OSHA approved safety containers having spring-lift caps. Each container shall be labeled as to its contents. Use of gasoline is prohibited for cleaning parts, floor, or any part of buildings.
5. Gasoline utilized in small quantities in shops for fueling engines being repaired, tested, adjusted, etc., shall be handled and dispensed in the smaller (one gallon) OSHA approved safety containers, having a spring-lift cap. Container must be labeled as to its contents.
6. The fueling of any type of motorized equipment while the engine is running is prohibited. When transferring flammable liquids, make sure the filler nozzle touches the equipment or can be filled in order to guard against the build-up of static electrical charge.

7. Never overfill a tank, but rather, under fill it to allow room for expansion of the liquid.
8. No artificial light, except UL listed electric flash lights will be used near escaping gasoline or other flammable vapors, or when entering an enclosure suspected of containing gas. Stay out of area completely and call 911. Check atmosphere with hydro-carbon sniffer or explosive meter.
9. Dark places, basements or cellars must not be entered without proper light. The use of matches is strictly forbidden.
10. "NO SMOKING" shall be enforced in all areas where hazardous substances or flammable liquids are stored or used, and in any other area where posted.
11. Exits shall not be locked (chained or otherwise) from the outside.
12. All equipment is to have a multi-purpose (A, B, C) "dry chemical" fire extinguisher in cab.
13. The City Fire Department shall be responsible for fire safety inspections for all Murray City owned facilities.

It is necessary that shops and fixed activities that contain potential fire hazards have a fire plan to combat fire if it should occur. The plan must include: adequate warning measures for alerting all persons in the area of the existence of a fire; rapid reporting to the Fire Department (call 911); evacuation of affected personnel from areas involved in a fire; procedures for containing the fire in so far as it is safe to do so and, particularly, only to the extent that it is possible to maintain safe exit for personnel so engaged; instruction of personnel who regularly work there in the duties they are to perform in given fire situations; and adequate fire extinguishing equipment that is regularly inspected by a responsible authority.

Each Murray City building is to have an emergency fire plan. The Murray City Fire Department offers a source of knowledge and assistance to department and division supervisors for establishing an emergency fire plan.

SECTION V

MATERIAL HANDLING

The types of injuries that have been experienced are strains and sprains, crushing, hernia and rupture, fractures, lacerations, bruises, and contusions.

Accidents of this nature can be avoided by taking a little time to plan ahead, using mechanical equipment wherever possible, and thinking about the proper way to do the task, and the proper tools to use for performing it.

The single and most important preventative safety measure an employee should keep on his mind is the FOUR STEP LIFTING PROCESS. The technique, putting aside considerations of costly hospital and medical bills, will save you pain and suffering that may extend into your retirement years. Therefore, it is essential that you carefully read and implement the following lifting process.

TIPS FOR BETTER BACK CARE - Back disorders are often related to the effects of faulty body mechanics (excessive twisting, bending and reaching); carrying, moving or lifting loads that are too heavy or too big; staying in one position too long; poor physical condition; and poor posture. Practicing proper back care, as well as using preventive measures such as back support belts, can reduce back injuries.

Murray City encourages and recommends that each department provide their employees with an educational program to include proper lifting techniques, the importance of physical conditioning and the use of back support belts.

' HE WHO SAYS, "TOMORROW, I WILL DO MY BEST",
HAS ALREADY WASTED ANOTHER DAY '

GET READY...

- * Size up the load. If it's too heavy or bulky, play it smart --get help.
- * Check the load and remove protruding nails, splinters, sharp edges, oil, grease, or moisture.
- * If the surface is rough-wear gloves.
- * Wear safety shoes to help prevent foot injuries.
- * Know where the load is going and where you are going to put it down.
- * Make sure the path you take is clear of obstacles.

PICK IT UP...

- * Get a firm footing and balance; have your feet about shoulder-width apart.
- * If the load is below waist level, bend your knees to get into position. Keep your back as straight as possible.
- * Grip the load firmly.
- * Lift the object to carrying position, keeping it close to the body. Let the leg and arm muscles do the work.

CARRY IT CAREFULLY...

- * Be sure you can see where you are going.
- * When changing directions, be careful not to twist your body --turn your body with changes of the position of your feet.
- * Use extra caution in tight places, so as not to smash your fingers or hands.

PUT IT DOWN...

- * If the receiving surface is about waist high, use the edge to take part of the load. Then push it forward.
- * If you lower the load to the floor, bend your knees, keep your back as straight as possible and the load close to your body.

Beyond knowing the proper technique of lifting, employees are to follow established material handling rules:

HAND TRUCKS

1. Four-wheel hand trucks with swivel axles and tongue are to be pulled; all other trucks are to be pushed.
2. Use the right type of hand truck for the material you are using. If there is a special truck, for example a drum or drawbar truck, it should be used.
3. Watch where you are going when pushing or pulling a hand truck, and slow down at corners.
4. Allow clearance for your hands when moving through door ways or past other objects. Use truck handles.
5. Secure help in getting hand trucks up or down inclines to prevent them from getting away from you.
6. When using trucks, stop at all blind intersections before passing the area.
7. Always park trucks at a spot where people will not stumble over them; leave handles in a vertical position.
8. Report hand trucks with broken wheels, splintered handles, and other defects to your supervisor.
9. All hand truck operators are advised to wear steel-toed shoes.
10. When using hand trucks, be sure to watch the floor ahead to avoid bumps, cracks, uneven surfaces, etc.
11. Pile loads evenly. An unbalanced load may shift, causing the hand truck to overturn.

POWER TRUCKS

1. Power trucks should not travel with loads above six inches from the floor. Loads should never be lifted or lowered while traveling.
2. Power trucks must be handled only by properly trained and authorized employees.

HOISTING EQUIPMENT

1. ALL hoists are to have a rated load capacity posted on the exterior of the hoist. Employees are not to exceed the specified limit.

PILING MATERIALS

1. Have a safe base. That means a solid, smooth, and level surface. If the floor or ground is not level, use dunnage or bearing strips or timber to make sure that pile will not shift. Barrels and other materials that may roll or slide should be cocked at the base.
2. Pile to a safe height, that means not so high the pile will be unsteady, that the floor load limit is not exceeded, and that 18 inches remain between the pile and the sprinkler heads and/or ceiling.
3. Lock the material by cross-typing the layers so there are no unsteady stacks within the pile. Piles should be also stepped-back to insure stability.
4. Maintain aisle space for workers and fire equipment. Materials should not protrude beyond the face of the pile.

HANDLING GAS CYLINDERS

1. The protective cap over the valve shall be kept on when the cylinder is not in use.
2. Never wear gloves or let grease or oil be on your hands. Keep hands away from the oxygen cylinder controls.
3. Lifting cylinders is always a job for two men. If available, move cylinders with a cylinder dolly.
4. Keep cylinders on end, strap or chain them securely so that they cannot fall.
5. Store cylinders away from salt, acids, films, or other corrosive substances.

" ANGER AND DANGER ARE ONLY ONE LETTER REMOVED "

SECTION VI

PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment (PPE) should be used when hazards of processes or environment, chemical hazards, or mechanical irritants are encountered in a manner capable of causing injury or impairment to employees through absorption, inhalation, or physical contact. Where feasible, exposure to hazards should be eliminated through engineering controls. However, PPE may be required to provide added protection to reduce the risk to an acceptable level.

The following general safety procedures are established:

Employee-owned equipment

If the City supplies PPE, employees cannot use their own PPE. Where employees provide their own PPE, the City shall be responsible for assuring its adequacy, including proper maintenance, and sanitation of such equipment. Employee-owned PPE will only be allowed for use after PPE has been inspected and approved by the Department head or his designee (s).

Design

All PPE shall be designed and constructed for the work to be performed. All PPE used by Murray City employees will meet all requirements set forth in local, State, and federal rules and regulations.

Personal Protective Equipment (PPE) Selection

The City requires the use of engineering or work practice control to reduce exposures to hazards below acceptable levels. If such controls cannot reduce exposure to an acceptable level, PPE must be used to provide additional protection.

1. Procedures apply to eye and face, head, hands and foot protection, protective clothing, respiratory devices and protective shields and barriers.
2. The Departments shall assess all workplaces to determine if hazards are present or are likely to be present that will necessitate the use of PPE. The assessment shall include basic hazard categories such as impact, penetration, compression (rollover), chemical, heat, harmful dust and electrical.
3. PPE shall be compatible with the exposure to basic hazard categories such as impact, penetration, compression (rollover), chemical, heat, harmful dust and electrical.

4. The level of PPE protection shall meet or exceed all local, State and federal rules and regulations, required to protect the employees.
5. Appropriate sizes of PPE shall be available to the employees.
6. Selection and use shall be based on established guidelines such as ANSI or NIOSH standards.

Training Requirements

The subjects to be covered in the training for eye and face, head, hands and feet protection, protective clothing, respiratory devices and protective shields and barriers. include:

1. An explanation of the hazards and how the PPE helps to protect the employee.
2. A discussion of what engineering and administrative controls are being used and why PPE still is needed for protection.
3. An explanation of when and what type of PPE is required.
4. A discussion of the function, capabilities and limitation of the PPE.
5. Instructions in how to put on and take off, adjust and wear the PPE.
6. Instructions in the proper care, maintenance, useful life, and disposal of the PPE.
7. Individual employees demonstrate the skill and knowledge necessary to use PPE properly. Demonstration shall occur before the employee is allowed to perform work requiring PPE.
8. Retraining shall occur in the following circumstances:
 - a. Changes in the workplace rendering previous training obsolete, or
 - b. Changes in the type of PPE to be used rendering previous training obsolete, or
 - c. Inadequacy in an affected employee's knowledge or use of assigned PPE indicates that employee has not retained the requisite understanding or skill.

9. Verify that each employee has received and understands the required training through a written certification containing the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

Fit Testing

All employees required to wear PPE are fitted and tested for a proper fit prior to using the PPE in an actual situation. The manufacturers fitting and use instructions are followed when administering fit tests. Fit testing is performed during initial and periodic training.

Cleaning and Maintenance

The City is responsible for assuring that all PPE is clean and maintained. Each employee is responsible for properly cleaning and storing their own PPE.

Materials for cleaning PPE shall be provided by the City.

Employees shall inspect PPE before each use. Damaged, defective or soiled PPE shall not be used.

Disposal of PPE

Damaged, defective, soiled or single use PPE shall be returned to the Department for disposal and new PPE will be issued in replacement.

Adopted 8/1/96

GENERAL CLOTHING

1. For your safety and comfort, invest in work clothes that are sturdy, that fit well, and are washable.
2. The wearing of loose, flowing, or ragged clothing on or near moving machinery or equipment is not advisable.
3. Short-sleeve shirts or tee shirts should be worn for operating machinery. Rolled up sleeves are dangerous because they have flapping ends and because the added thickness of the cloth can pull your arm into a machine before the cloth tears.
4. Steel-toe safety shoes should be worn in all jobs involving handling or moving heavy material. Otherwise wear sturdy, comfortable work shoes. Excessively high heeled shoes may create a tripping hazard and soft soled shoes (such as tennis shoes) do not afford protection from puncture wounds when in the field and their use is not advisable on the job.

5. Shoes with run down heels or torn soles are hard on the feet and can cause falls. Keep your shoes in good repair.
6. Employees working in hazardous areas or with equipment should not wear rings, medals, identification bracelets, or other jewelry. Jewelry increases the danger of electric shock and can cause fingers to be badly injured. Clothing with sashes, ties, scarves, full sleeves, full skirts and ornamental buttons should not be worn when working in hazardous area or around equipment.
7. Work clothes should be washed frequently as a safe guard against skin infections and irritations.
8. Smocks, overalls, and aprons should be worn wherever possible to keep work clothes clean.
9. For outdoor work in winter weather, it is best to wear loose, warm, fairly lightweight clothing. Wear layers of clothing--so you can peel it off for inside work and put it back on when you have to go outdoors.
10. Oil soaked clothes are a serious fire hazard. Keep your clothes free from oil.

HEAD PROTECTION

The many construction and maintenance activities performed by municipal employees involve working above or below ground levels, movement of material overhead, or working near construction machinery. In such operations, the hazards of being struck by falling objects, machinery, or loads being moved by machinery, constantly exist. Hard hats are provided to prevent head injuries by protecting the head from being struck by falling objects and bumps against objects when working in confined spaces.

The proper protection is provided when the head harness is adjusted so that there is approximately 1 ½" clearance, plus or minus 1/8", between the skull and the inside of the hat when it is worn. When the harness becomes worn to the extent that it no longer can be adjusted to maintain that clearance, hard hats should be turned in for repair or replacement. Hard hats that have been repaired, reconditioned, etc., shall be sterilized, and kept sterile until issued to an employee. The construction and shape of hard hats shall not be altered in any manner by the employees. Hard hats shall not be painted, because it alters the dielectric properties of the hat. Metal hard hats are not advisable. A hard hat is a personal item and shall be for the individual and exclusive use of the person to whom it is issued.

Hard hats of the type approved by the latest OSHA standards and inspected annually by the department head or designee shall be worn in the following activities:

1. Engineering Office personnel while on the job site for any public service construction or maintenance project at which the department doing the work is required to wear hard hats.
2. All Street Department personnel while on the job site for street maintenance, curb and gutter installation, and storm drain maintenance or other public service maintenance projects where the amount or speed of traffic warrants or where overhead danger exists. For example, if the job site is closed to traffic or traffic is at a minimum, such as in subdivisions, parking lots, vacant field, etc., hard hats will not be required.
3. All Water/Wastewater and Street Department personnel while on the job site of underground construction, maintenance, and cleaning of sewers and water transmission facilities.
4. Approved head protection shall be worn by all Power Department personnel when in areas where falling objects, electrical contact, or other hazards, may cause a head injury, or, where deemed necessary by supervising employee.
5. Inspection personnel when inspecting work projects involving any of the above conditions.
6. Any other employees when working with or near construction equipment such as digging, hoisting or towing equipment.
7. All personnel engaged in climbing tasks or working from aerial lifts shall wear head protection equipment that meets approved standards for dielectric properties due to the possibility of contacting overhead transmission facilities.
8. Supervisors may designate additional areas where hard hat usage is required as the need arises.
9. Flagperson.

FACE AND EYE PROTECTION

Hazards involving the possibility of injuries to the face and eyes exists in both indoor and outdoor tasks. They range from dust blown into eyes on a windy day to particles of steel, sand, concrete, etc., propelled into eyes with considerable force by power tools and machinery, or splashes of corrosive dust and liquid chemicals.

There are many types of safety glasses, goggles, shields, etc., made of glass or plastic to protect workers from these hazards. The loss of one or both eyes can have extremely serious consequences to an employee. Yet, individuals often vigorously resist efforts of management to require this vital protection with no better excuse than the slight discomfort of false pride. This is probably one of the most important protective features of any safety program, yet one of the most difficult to sell.

Face and eye protection shall be provided for any task where there is any probability that an injury may occur without such protection. Employees assigned to perform tasks which require eye protection shall wear the protector provided. The City management shall provide appropriate face and eye protection devices at no expense to the employee and shall make their use mandatory in specific tasks. Safety prescription lenses are not provided by the City.

Safety glasses, goggles, and other eye protective equipment offer a vital protection. If sufficient care is not exercised to maintain them properly, dirty or scratched lenses may provide another hazard from reduced visibility. In the event that eye protective equipment provided by the City is lost or damaged, and it is clearly evident that such loss or damage occurred as a result of an employee's negligence, he shall be required to replace them at his own expense.

The following safety procedures are established:

1. Safety goggles or safety glasses with temple shields shall be worn when:
 - a. Grinding, cutting, milling or drilling with powered tools.
 - b. Using impact wrenches and compressed air tools.
 - c. Chipping, scraping, or scaling paint, rust, carbon or other materials.
 - d. Using punches, chisels, or other impact tools.
 - e. Cutting rivets.
 - f. Cutting or breaking glass.
 - g. Chipping or breaking concrete.
 - h. Pipe cutting, threading.
 - I. Using paint remover.
 - j. Using power activated tools.
 - k. Soldering.
 - l. Cleaning dust or dirt from vehicles, machinery, etc.
 - m. Sand blasting or air cleaning operations.
 - n. Using metal cutting lathes, shapers, drill press, power hack saw and other metal working tools.
 - o. Using power woodworking machinery, both fixed and portable.

- p. Tree trimming, brush chipping, or stump removal.
 - q. Using brush cutters.
 - r. Steam cleaning.
 - s. Washing vehicle parts with soaps or solvents.
 - t. Working under vehicles.
 - u. Using push-type rotary lawn mowers.
2. A full plastic face shield shall be worn when handling acids, caustics, and other harmful dusts, liquids or gases.
 3. Spectacle type safety glasses shall be worn when performing electrical switching operations or activating high voltage circuits where arcs may occur.
 4. A face shield with the proper filter lens, or welders lens, or welders goggles, shall be worn in all welding and cutting operations.
 5. Approved eye protection shall be worn by all Power Department personnel assigned to perform any task, including those specified above where any danger of injury to the eye may occur, or where deemed necessary by supervising employee.

Electric Arc Welding

- a. Welders helmet with proper filter lenses shall be worn.
- b. Portable welding screens shall be used to protect the eyes of others in the vicinity whenever potential exposure to others exists.
- c. Helpers and observers shall wear safety glasses, goggles, or hand held shields with the proper filter lenses.

Gas Welding and Cutting

- a. Welders goggles with proper filter lenses shall be worn.
- b. Portable welding screens shall be used to protect the eyes of others in the vicinity whenever potential exposures to others exist.

Eye protection may be required on other jobs not listed, if so designated at the time by your supervisor. Beyond this, you are encouraged to wear eye protection at all times. REMEMBER--YOU HAVE BUT ONE PAIR OF EYES--THEY CANNOT BE REPLACED--PROTECT THEM.

HEARING PROTECTION AND CONSERVATION

In the variety of activities conducted by City work crews, there are some machines and equipment that may produce noise levels which could cause hearing loss. When employees are subjected to excessive noise levels, attempts should be made to use engineering controls. If the noise levels cannot be reduced within tolerable ranges, then **hearing protection shall be provided and shall be worn by employees so exposed.**

Basic Terms:

Action level is an eight-hour time weighted average noise exposure of 85 dBA or employees performing construction alterations and/or repairs under the Construction Standard (1926.20) is eight-hour time weighted average of 90 dBA. A hearing conservation program is mandatory if sound levels are at or above the Action Level.

Audiometric tests shall be pure tone, air conduction, hearing threshold examination, with test frequencies including as minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz. Tests at each frequency shall be taken separately for each ear. Tests shall be conducted with audiometers (including microprocessor audiometers) that meet the specification of and are maintained and used in accordance with, American National Standard Specification for Audiometer, S3.6-1969.

Baseline audiogram is a test conducted within six months of an employee's first exposure at or above the Action Level, or after the adoption of this policy. The City shall establish a valid baseline audiogram against which subsequent audiograms can be compared.

Hearing protection devices is a plug or muff that is worn to reduce the noise reaching the inner ear. It is evaluated in terms of the potential noise reduction rating.

Standard threshold shift is a change or degradation in hearing thresholds relative to the baseline audiogram of an average of 10 dB or more at 2000, 3000, and 4000 Hz. in either ear.

The following general safety procedures are established:

1. City Noise Monitoring Program

The Department shall:

- a. Determine the areas where noise exposures are common.

OR

Arrange the conducting of monitoring, as necessary, to determine if the noise exposures are at or above the Action Level.

- b. Verify that all noise monitoring equipment shall be calibrated before and after use.
- c. Additional monitoring shall be conducted if a change in process, equipment or controls results in an increased noise exposure to at or above the Action Level.
- d. Employees exposed at or above the action level shall be notified of the results.
- e. Affected employees shall be provided an opportunity to observe noise measurements when conducted or be provided with the monitoring results.

2. Audiometric Testing

- a. Audiometric testing shall be conducted at a medical facility selected by the Human Resources Department for employees whose noise exposure is at or above the Action Level.
- b. Baseline audiogram shall be coordinated by Human Resource Department, scheduled by each Department and conducted within six (6) months of employees first exposure to noise at or above the Action Level.
- c. A new audiogram shall be coordinated by Human Resource Department, scheduled by each Department and obtained annually for employees with exposure to noise above the Action Level.
- d. Each employee's annual audiogram shall be compared to the baseline audiogram to determine if the audiogram is valid and a standard threshold shift occurred. The selected medical facility shall perform the comparison and communicate the results to the Human Resource Department.
- e. Employees tested shall receive a written confirmation from the Human Resources Department within 21 days of a standard threshold shift.
- f. Department employees' shall be fitted with, trained in use of, and required to use hearing protection when a standard threshold shift occurs.
- g. Employees shall use hearing protection devices in an area where noise exposure is common.
- h. Employees shall be provided hearing protection offering greater attenuation when a standard threshold shift is indicated.
- I. Medical referrals may be required when a standard threshold shift is apparent.

- j. The medical facility selected by the Human Resources Department shall conduct audiometric tests, maintained and used with equipment meeting ANSI S3.6-1969 specifications.
 - k. The medical facility selected by the Human Resources Department shall check the functional operations of their audiometric equipment daily.
3. Hearing protection devices
- a. Hearing protection devices shall be made available to all employees to be used as needed or required. All employees exposed to noise at or above the Action Level, will be required to wear appropriate hearing protection devices.
 - b. The wearing of hearing protection shall be enforced by supervisors for noise exposure at or above the Action Level.
- OR
- Employees exposed at or above the Action Level who have not yet had a baseline audiogram established.
- OR
- Employees exposed above the Action Level who have experienced a significant standard threshold shift.
- c. A selection of various hearing protection devices suitable to the exposure shall be provided by the employees' Department.
 - d. Proper fitting of hearing protection shall be evaluated and proper use discussed by the Departments.
 - e. Annual update training shall be provided by the Human Resources Department for employees with noise exposure at or above the Action Level in hearing conservation.
 - f. In certain circumstances, hearing protection may be required in work areas where the noise exposure is below the Action Level but intermittent or impulse sounds are occurring.
4. Recordkeeping
- a. All noise exposure measurements shall be maintained in the Human Resources Department office.
 - b. A copy of the Noise Conservation Standard shall be made available to affected employees and a copy posted in the workplace.

FOOT PROTECTION

Many tasks involve manual lifting or handling of heavy tools and materials. Foot injuries frequently occur when heavy objects are dropped, resulting in bruises, dislocations, fractures or crushes. Shoes, rubber boots, etc., reinforced with steel toes or soles will prevent foot injuries from impacts of falling objects, stepping on sharp objects, or exposures to blades of power tools. These items of foot wear are available in a variety of attractive styles as comfortable as any pair of properly fitted shoes can be.

The wearing of sandals or canvas sneakers (tennis shoes) in City work areas is prohibited.

Foot protection is a sound investment for any employee--not only for work activities, but for many of the job tasks as well. Following are some of the activities in which safety shoes should be worn:

1. Engineering Office personnel while on the job site of any public service construction or maintenance project.
2. All Street Maintenance Division personnel while on the job site of street maintenance, storm drain maintenance, curb and gutter construction or other public service maintenance projects.
3. Park Department personnel while on the job site of any park construction project, or during ground maintenance activities involving use of powers, trimmers, and other power equipment. Employees operating mowers should be required to wear clamp on steel toed caps if they do not have approved safety shoes.
4. All Street Division personnel while on the job site of construction and maintenance of sewers.
5. Approved Steel-toe safety footwear applicable to specific job function of employee shall be worn by all Power Department personnel while on the job site for construction, operation, or maintenance of Power Department facilities, or where deemed necessary by supervising employee.
6. All Water Department personnel while on the job site for construction and maintenance of water transmission facilities.
7. All other personnel working near construction equipment.
8. All personnel to include fleet maintenance performing repair shop tasks.
9. Approved metatarsal guard should be worn to supplement toe protection afforded by safety shoes or steel toe caps when performing the following tasks:
 - a. operating pneumatic drills (air hammers).
 - b. handling heavy machinery or materials suspended above the working surface.

FINGER, PALM AND HAND PROTECTION

One of the most dangerous human ornamentations to wear in occupational or industrial work is a ring. They should be removed or not worn to work if there is the slightest chance of getting the ring caught in any hook, tool, or piece of machinery. Rings can cause serious loss of fingers if bent in such a manner as to shut off circulation. Gloves with leather palms should be worn when handling rough edges or abrasive material or when the work subjects hands to possible lacerations, puncturing or burns. Other hand protection may be designated by authorized persons. Skin irritation should be prevented by washing with soap and water--not gasoline. Learn to recognize poison ivy and handling irritating materials.

RESPIRATORY PROTECTION

There are many tasks in municipal employment involving exposure to fumes, gases, mists, chemical dusts, etc., that are harmful to the human respiratory system, or exposure to environments not containing sufficient oxygen to support human life.

These hazards can be avoided by use of the appropriate filter action breathing masks, self-contained breathing apparatus, etc. Safe performance is achieved through adequate knowledge of noxious or toxic effects of substances being handled, the circumstance under which harmful atmosphere may exist in the work environment, adequate testing to determine the nature of the environment before entering it, the type of equipment that will provide adequate protection, and training in the proper way to use the protective equipment.

The following safety procedures are established:

1. Supervisors shall learn, and then thoroughly instruct all employees whose work assignments may involve exposure to atmospheres containing noxious or toxic substances or oxygen deficiency, about the properties of such atmospheres, the potential hazards, the circumstances under which these hazards may exist, the proper method of testing for hazardous atmospheres, the proper type of protective breathing apparatus to use, and how to use it.
2. Suitable breathing apparatus shall be conspicuously placed near work environments involving the possibility of exposure to harmful atmospheres. The apparatus shall be kept sterile and used only for the protective function intended.
3. Each time the respiratory equipment is used, a report will be made to the supervisor of the reason for its use and the amount of time it was in use.
4. Approved respirators shall be worn in the following instances:
 - a. When welding on brass, bronze, or galvanized iron in confined areas where ventilation is limited.

- b. When entering manholes, sewers, vaults, boilers, or other confined spaces where tests indicate presence of noxious atmosphere after attempts to purge and ventilate them.
 - c. When determined by the supervisor to be advisable due to the known or suspected presence of hazardous substances or lack of oxygen in the environment concerned.
5. The following is a list of regulations and requirements for the use and maintenance of the fresh air masks:
- a. The masks shall be used whenever and wherever chlorine ammonia, or other hazardous gas leaks are suspected or detected.
 - b. Before entering a potentially hazardous area, be sure the mask is functioning properly and the face seal is secure.
 - c. If the anticipated total amount of time required to correct the hazardous condition exceeded the capacity of one fresh air tank (30 minutes), notify the Murray City Fire Department to immediately furnish additional respiratory equipment and personnel.
 - d. The masks shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, or cap that projects under the face base, or temple pieces on glasses. It is essential that all employees be prepared to obtain a good face seal with the mask on short notice, should the occasion require it. (Check the mask frequently to insure no interference from beards or sideburns.)
 - e. Wearing of contact lenses in contaminated atmospheres with the masks shall not be allowed.
 - f. The warning bell on the respirators signals a five minute air supply remaining. This is an approximate time, as type of activity and respiration of each individual differ. Prepare to leave the contaminated atmosphere as soon as the warning bell sounds.
 - g. The masks shall be cleaned and disinfected after each use. Disinfection is accomplished by wiping the mask inside and outside with a cloth moistened with denatured alcohol. The denatured alcohol is then removed by wiping the surfaces with a cloth moistened with a mild detergent and water. Be sure the eye pieces are cleaned also.
6. The masks shall be checked against defects and low air supply periodically. Air supply shall be recorded on the appropriate chart in the carrying case. Low air supply, or defects shall be reported immediately.
7. Face masks connected with respirators must not be bent in such a manner that air will pass around the mask instead of through the filter.

OTHER PROTECTIVE CLOTHING

1. Orange or highly visibility reflective safety vests are required (reflective ANSI II - 200 square inch) shall be worn by all in and around any area where there is a danger, where there is moving machinery or equipment, while surveying on City streets and highways work zones, or in any other area designated as "safety vest" area by the supervisor.
2. Safety belts with lifelines shall be worn by employees working in closed tanks or spaces underground where workers position is obscured or where air supply may be inadequate, with an attendant worker stationed outside tending the lifeline.
3. Safety seat belts shall be properly fastened whenever the motor vehicle is in motion. IT'S THE LAW!

"PEOPLE WHO SHIRK RESPONSIBILITY MAY REALLY BE SHUNNING SUCCESS."

SECTION VII

HAND TOOLS

Disabling injuries, such as metal chips from mushroomed chisel heads flying in an eye, do happen. Injuries to fingers and hands are a common occurrence.

The following safety rules are established:

1. Select the right tool for the job.
2. Sharpen the cutting edges of the tool and carry the tool with the sharp edge down.
3. Sand the wooden handles of a shovel, rake, mall, etc., thus preventing splinters and burns.
4. Check the handle on each tool for tightness.
5. Check the head of each, such as hammers, chisels, punches, and wedges. Be sure no one is in the area before using such a tool.
6. Use only properly insulated tools (screwdrivers, wire cutters, etc.) when working around energized electrical circuits or equipment.
7. Avoid using metal measuring tape, fabric tapes containing woven metal strands, rope with wire cord, or other tools and equipment that have conductive properties while around energized electrical circuits or equipment.
8. Return tools to their proper place so that they do not fall from a ledge or are tripped on.

SECTION VIII

POWER TOOLS

Power tools substantially increase the number and types of hazards to an employee. Hazards range from electrical shock of a short circuit to being struck by chips, shavings, and other debris during operation.

All machine guards shall be kept in place while machinery is in operation. Tampering with machine guards is prohibited, and any removal requires the prior approval of a supervisor. All guards are to be properly replaced after the repair work that necessitated their removal has been completed. When necessary to work on electrically driven machinery, the disconnect switch for controlling the machine shall be secured in the open or off position by the worker or workers performing the job. The securing device should not be removed until the work has been completed and the area has been cleared.

When it is impractical or impossible to place a guard over the source of the hazard, then it becomes necessary to place the guard on the worker. This is done by wearing approved personal protective apparel, such as hard hats, safety belts, safety goggles, traffic vests, face shield, gloves, aprons, toe guards, respirators, etc. Supervisors shall insure that all their employees are properly protected. (Local dress codes may be established within a particular department, division, or work area, and each employee is expected to know and follow these codes where applicable.)

CORD AND PLUG CONNECTED ELECTRICAL EQUIPMENT

1. Cord and plug connected equipment including extension cords, supplied by premises wiring shall be handled in a manner which will not cause damage. Extension electric cords connected to equipment may not be used for raising or lowering the equipment. Flexible cords may not be fastened with staples or otherwise hung in such a fashion as could damage the outer jacket or insulation.
2. Portable cord and plug-connected equipment and extension cords shall be visually inspected before use and any shift for external defects (such as loose parts, deformed and missing pins or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket). Cord and plug connected equipment and extension cords which remain connected once they are put in place and are not exposed to damage need to be visually inspected until they are relocated.
3. If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service and no employee may use it until repairs and testing necessary to render the equipment safe have been made.

4. When an attachment plug is to be connected to a receptacle including an extension cord, the relationship of the plug and receptacle contacts shall be checked to ensure that they are of proper mating configurations.
5. Extension cords used with ground-type equipment shall contain an equipment grounding conductor.
6. Attachment plugs and receptacle may not be connected or altered in a manner which would prevent proper continuity of the equipment grounding conductor at the point where plugs are attached to receptacles. Additionally, these devices may not be altered to allow the grounding pole of a plug to be inserted into slots intended for connection to the current-carrying conductors.
7. Adapters which interrupt the continuity of the equipment grounding connection may not be used.
8. Portable electric equipment and extension cords used in highly conductive work location (such as those inundated with water or other conductive liquids) or in job locations where employees are likely to contact water or conductive liquids shall be approved for those locations.
9. Employees' hands may not be wet when plugging and unplugging extension cords, and cord and plug-connected equipment if energized equipment is involved.
10. Energized plug and receptacle connection may be handled only with insulating protective equipment if the condition of the connection could provide a conductive path to the employee's hand.
11. Locked type connectors shall be properly secured after connection.
12. Any cord and plug connected equipment supplied by other than premises wiring shall meet the following:
 - a. It shall be equipped with a cord containing an equipment grounding conductor connected to the tool frame and to a means for grounding the other end (however, this option may not be used where the introduction of the ground to the work environment increases the hazard to an employee); or
 - b. It shall be of double-insulated type; or
 - c. It shall be connected to the power supply through an isolating transformer with an ungrounded secondary.

PORTABLE AND VEHICLE-MOUNTED GENERATORS

Portable and vehicle-mounting generators used to supply cord and plug connected equipment shall meet the following requirements:

1. The generator may only supply equipment located on the generator or the vehicle and cord and plug connected equipment through receptacles mounted on the generator or the vehicle.

2. The non-current-carrying metal parts of equipment located on the equipment grounding conductor terminals of the receptacles shall be bonded to the generator frame.
3. In the case of vehicle-mounted generators, the frame of the generator shall be bonded to the vehicle frame.
4. Any neutral conductor shall be bonded to the generator frame.

GRINDERS

1. Only those employees who are familiar with the mounting of grinding wheels are permitted to do so. A ring test on each of the new grinding wheels should be completed before installation. (A ring test is made by supporting the wheel freely on a rod through the arbor hole and tapping it lightly with a wooden object. A clear, metallic ring indicates absence of cracks.)
2. Wheel must fit easily onto the spindle. Too loose or too tight is dangerous.
3. When wheel is mounted, stand out of danger at one side while you allow it to develop full operating speed for at least one minute.
4. Apply work gradually to a cold wheel at the beginning of each work period, as cold wheels are most subject to breakage.
5. Never store a grinding wheel on damp or cement surfaces, or put oily rags on the wheel.
6. Every grinding tool must be securely fastened to the shaft before commencing work.
7. The maximum operating speed as given by the wheel manufacturer is on the wheel label; and grinding wheels are not to be operated in excess of these speeds.
8. The work-rest must be securely adjusted on all stationary grinders to about 1/8 inch of the wheel. Never attempt this adjustment while machine is in motion.
9. Avoid using the side of an emery wheel for grinding, unless it is especially designed for side grinding. Side grinding weakens the ordinary wheel and may cause it to burst.
10. Use the cutting surface of a grinding wheel uniformly, as a grooved wheel has been dangerously weakened.
11. Grinder bearings must be kept properly oiled and adjusted. This will help to prevent hot bearings and spindles, which are sometimes responsible for melted brushings.
12. Do not abuse the wheel by applying excess pressure.
13. Be particularly careful when grinding narrow tools or other objects as they are apt to catch between the rest and the wheel.

14. The operator's eyes must be protected with goggles or face shield at all times when the machine is in use.

DRILL PRESSES

1. Adjust the table so that you have plenty of room for the jig and keep your hands away from the revolving drill. Never run the point of the drill into the table.
2. Be sure that both the chuck and the drill are tight on the spindle, and that any circular tables are tightened before beginning to drill.
3. A sluggish drill is probably the result of incorrect grinding. Be sure the drills are sharpened properly for the particular material, so that the cut may be the right size.
4. Materials shall be clamped or otherwise fastened to the drill press bed, not held in the hand.
5. Never run a drill faster than the rated speed as this may result in broken drills, damaged material and serious injury.
6. It is dangerous to attempt the removal of broken drill pieces with a center punch and hammer.
7. Never leave key in chuck after tightening the drill. If set screws protrude, report it to your lead mechanic.
8. Lower the spindle close to the table before removing the chuck, so that it may not cause any injury or damage to the material as it falls.
9. Reduce the pressure if there is any backlash in the spindle. Listen carefully for the distinctive noise made when the drill comes through work so that you can ease off the pressure.
10. Safety stop must be set to keep the over arm of a radial drill from swinging out where it may cause an injury.
11. The wearing of gloves and loose clothing while operating drill press is prohibited. The operator's eyes must be protected with goggles or face shield at all times when the machine is in use.

LATHE OPERATIONS

1. Lathe tools should be ground so that the chips will break off instead of curl. Only lathe dogs equipped with safety set screws are to be used.
2. Make sure that all gear and belt guards are in place. This includes backgears and ingears, especially.
3. Whenever chucks or face plates are changed, they must be started on the spindle by hand power. Keep hands off chuck rims when lathe is in motion.

4. After adjusting a chuck, be sure to remove the chuck wrench immediately. See that the tailstock tool-holder and material are properly clamped before turning on power.
5. For external work, never set the lathe tools below the center of the work being turned.
6. Use a brush to remove chips. Do not use compressed air.
7. Wear only short sleeves when filing on a lathe. When near the chuck end of head stock, file with the right hand over the lathe stock instead of the left hand, holding file in such a position that in case it is forced back, the hand will not be forced against the body.
8. The operator's eyes must be protected with goggles at all times when the machine is in use.

HYDRAULIC AND PNEUMATIC TOOLS

1. Safe operating pressures for hydraulic and pneumatic tools, hoses, valves, pipes, filters, and fitting may not be exceeded.
2. A hydraulic or pneumatic tool used where it may contact exposed live parts shall be designed and maintained for such use.
3. The hydraulic system supplying a hydraulic tool used where it may contact exposed live parts shall provide protection against loss of insulating value for the voltage involved due to the formation of a partial vacuum in the hydraulic line.
4. A pneumatic tool used on energized electrical lines or equipment or used where it may contact live parts shall provide protection against the accumulation of moisture in the air supply.
5. Pressure shall be released before connections are broken, unless quick acting, self-closing connectors are used. Hoses may not be kinked.
6. Employees may not use any part of their bodies to locate or attempt to stop a hydraulic leak.

COMPRESSED AIR

The use of compressed air for cleaning purposes is prohibited. Brushes should be used for cleaning machinery. Eye protection shall be worn while cleaning with brushes.

Air hammers:

1. Remove the piston or tool of an air hammer whenever it is not in use to avoid the danger of it flying out and striking someone.
2. Always close the valve on the air line and release the air from the hose before cleaning, repairing, trying to insert any tool, or leaving any air powered unit.

3. Maintain your hold securely on the handle on an air motor to prevent it from flying around and striking you.
4. Be sure to show that the discharge end is made secure before turning compressed air into a hose so that it will not swing around and cause injury.
5. Hearing and eye protection is required. In addition, metatarsal guards must be worn, to include approved safety shoes.

WOODWORKING MACHINERY

Eye and ear protection must be worn.

1. Machine guards are to be permanently attached.
2. If you are running short or narrow stock, protect your fingers by using a block.
3. Before using a circular saw, check all materials for possible warping. If a concave edge is found, always place it away from the straight-edge guide of the table saw.
4. If the saw binds in a cut, the saw must be shut off before attempting to dislodge the lumber.
5. A rip saw shall not be used for cross-cutting; nor shall a cross-cut saw be used for ripping. A spreader and kickback fingers shall be required when using a rip saw. A spreader will be required when using a cross-cut saw.
6. Learn to stand out of the line of a possible "kick-back" and to avoid the danger of being struck by the small pieces that are frequently thrown from a circular saw.
7. Never reach over any machine to get finished materials from the opposite side, to remove dust or wood particles from the saw table, or to oil the machine while it is in operation.
8. In using a joiner, never allow either hand to pass over the knife. Use both hands--one on each side of the material--using particular care at the start and finish.

GAS WELDING

1. All gas welding equipment and connections should be kept free from grease and oil. (oxygen will explode upon contact with oil or grease). Oily and greasy gloves may bring about the same effect, besides making it difficult to handle the cylinders.
2. Never roll tanks on the floor, nor attempt to carry them by hand or hoist unless properly slung. Use the skid provided when unloading cylinders from the truck. After unloading tank, the cylinder must be securely chained.
3. Securely fasten with a chain the acetylene and oxygen tanks in an upright position where there is no danger of their falling or being bumped.

4. Use only standard green oxygen hose with right-hand couplings, together with red acetylene hose with left-hand thread.
5. Blow out the tank valve before attaching the regulator. Never use compressed air for blowing out equipment as air may contain some oil and moisture. Use oxygen to blow out the oxygen hose and acetylene to blow out the acetylene hose.
6. When changing empty tanks for full ones:
 - a. Shut off valve on empty tanks.
 - b. Release thumb screw on regulator.
 - c. Disconnect regulator, blow out tank valve and connect on full tank.
 - d. Stand on opposite side of tank, point the acetylene valve outlet away from the oxygen tank and face away from the gauge while opening the tank valve.
 - e. Adjust thumb screw on regulator to proper pressure, making sure that you do not have excess oxygen, which causes unnecessary sparks in operation.
 - f. Replace protective cap on empty tank.
7. Be sure that the end of your torch is cleaned before attempting to light. Use only friction lighters.
8. Do not put the materials in such a position as to permit sparks, hot metal, or the severed section of metal to fall on the gas supply hose or the feet of any employee.
9. At the completion of the work, the welder may make a careful inspection of the job site to insure that hot articles have not been left smoldering which might later develop into a serious fire.
10. Proper goggles and gloves shall be worn. Employee must wear steel-toe shoes.

ELECTRIC ARC WELDING

1. Whenever possible, welding operations should be carried on inside a regular welding booth. If work must be performed outside a booth, the Arc shall be effectively screened to prevent injury to eyes and others.
2. Before entering the welding area, an effective warning, such as shouting, shall be given, so that the operator may be aware of your presence and help you to avoid a sudden flash or other injury.
3. Like the welding operator, the person entering the welding area is to also wear required eye protection.
4. The welding of galvanized material requires the operator to protect himself with a specially designed airline respirator which fits under his helmet.
5. Deposit short ends of welding rods in the containers provided for that purpose, to prevent burning holes in your shoes or starting fires.
6. When not in use, place the electric holder where it cannot cause an arc.

7. Prevent injury to yourself and others from short circuits by only using welding cables that are in good condition.
8. Only properly authorized operators shall use welding equipment. Never attempt to repair welding equipment yourself.
9. Helmets and shields will be used with all electrical welding. Do not remove your helmet while bending over a hot weld, or while chipping slag. Safety shoes must be worn.

TREE TRIMMING AND CHAIN-SAW SAFETY

1. No man shall be assigned to work in a tree unless he has been trained as a climber and is:
 - a. Able to use a climbing rope and saddle.
 - b. Able to tie all necessary knots.
 - c. Able to use necessary hands tools.
2. Before starting any tree operations, time should be taken to check the trees in the surrounding area for any dangerous conditions.
3. Except in cases of emergency, tree work should be avoided when trees are wet, during high winds, or during extreme low temperatures.
4. Only physically fit employees should be allowed to climb.
5. Tree trimmers should ask for assistance only from employees on the crew, never from bystanders.
6. Danger signs and barriers will be placed around areas where tree work is to be done.
7. The foreman is responsible for: instruction to his crew; inspection of tools; enforcement of all safety rules; suitable clothing should be worn as determined by the foreman.
8. Ropes of a suitable strength should be used for lowering of large limbs.
9. Ropes shall be used for raising and lowering of tools.
10. Safety or climbing ropes should not be used for lowering of limbs.
11. Ladders should not be used unless they can be set on a firm foundation.
12. Ladders should be frequently inspected for damage. All additional safety rules of Section XI, regarding ladders, are to be adhered to.
13. Climbers should always call a warning before dropping limbs.
14. Never leave hangers or tools in a tree over lunch hour or overnight.
15. Special precaution should be taken when it is necessary to work around live wires. (see page 35)
16. All wires broken during tree work should be reported to the proper utility company.

17. Fallen wires should be guarded until servicemen arrive.
18. In case of contact with live wires, do not touch the victim. He must be separated from wires by use of nonconductive materials. Call 911 at once.
19. For removal operations: Pull ropes are used to guide the fall of large trees. Once the notching has started, the tree must not be left unguarded.
20. Only one-person saws should be used in a tree. All chain saws should be roped with their own rope using either a taut-line hitch or a groundman to hold the rope.
21. Walk with the saw stopped and the guide bar pointing to the rear.
22. Never walk with the power saw running.
23. Always stand at the end of the saw when cutting, never at the side.
24. Avoid using the tip of the saw for cutting.
25. Never replace chain in guide rail groove while motor is running.
26. Clean and check saw thoroughly and lubricate daily as required. Maintain a proper tension on the chain. Always inspect the saw for sharpness, as a sharp saw will reduce maintenance cost, and result in faster, safer and easier cutting.
27. Refuel the saw before it runs out of gasoline to avoid a "bound saw", which is difficult to refuel and start, and to avoid the danger of fire when starting a saw at the refueling site. Never refuel a saw while it is hot.
28. Hard hats and goggles are mandatory, steel-toed shoes shall be worn.

LAWN MOWERS

1. Power mowers will not be left unattended with motor running.
2. Area to be mowed must be inspected for foreign objects. Wire, stones, bottle caps, sticks, etc., should be removed before mowing.
3. Bystanders should be warned by the operator of the danger of flying objects. Extreme precaution must be taken when there are children in the immediate area.
4. Operator must keep hands and feet away from the under-carriage of the mower.
5. During maintenance repairs or when refueling, the spark plug wire must be disconnected from the spark plug. Never refuel a mower while it is hot.
6. After mowing is completed, disconnect spark plug wire from the spark plug; remove dirt, grass, etc., from the top of the mower; place mower in dry location under cover.
7. Operators of power mowers shall wear steel-toed shoes or steel-toed caps. Ear protection must also be worn.

SECTION IX

LOCKOUT/TAGOUT (LOTO)

An energized or deenergized piece of equipment or circuit is that which either supplies or receives energy from the system (equipment and/or circuits) which is being worked on. Energy is to be interpreted as electricity, fluid (liquid and gaseous) pressure, mechanical drive, stored energy, etc.

Employees performing construction alterations and/or repairs including painting and decorating under the Construction Standard (1926.20) shall be exempt from the policy. However, City employees performing construction activities shall recognize and avoid unsafe conditions in their work environment by the control and elimination of any hazard or other exposure to illness or injury. This exemption shall not apply to electrical alteration or repairs.

In addition, three exemptions to lockout/tagout procedures are:

1. Lockout/tagout does not apply to minor tool changes, adjustments, and other minor servicing activities that take place during normal operations. The changes also have to be routine, repetitive, and integral to use of the equipment.
2. Lockout/tagout does not apply to cord and plug-connected electrical equipment if exposure to unexpected start-up is controlled by unplugging it from its energy source. The plug must also be under the exclusive control of the employee performing the servicing or maintenance.
3. Hot-tap operation involving transmission and distribution systems for utilities such as water, gas, or electrical power, does not require lockout/tagout if employers can demonstrate that:
 - a. continuity of service is essential
 - b. a shutdown of the system is impractical
 - c. documented procedures are followed, and
 - d. special equipment is used that will provide proven effective protection for employees.

The following general safety procedures are established:

1. If a device used to isolate an energy source cannot be locked out, a tagout system shall be used.
2. If a lockout device can be used it must be used. A tagout system must be also be used.
 - a. Can demonstrate that it is as safe for the employee as the lockout.

- b. Additional measures have been implemented to assure safety, such as removing handles, etc.
- 3. Whenever a major replacement, repair, renovation, modification, or new equipment is installed it shall be designed to accept a lockout device.
- 4. The protective hardware used for lockout/tagout must:
 - a. Be provided by the employer and must not be used for any other purpose.
 - b. Be durable and capable of withstanding the environment it will be exposed to.
 - c. Be standardized within a Department.
 - d. Be substantial enough to prevent easy removal.
 - e. Indicate the identity of the employee applying the device. The tagout device must indicate the hazardous condition.
- 5. The lockout/tagout procedures must be reviewed annually and any deviation corrected. The inspection process must be certified by the Department.
- 6. Training must be provided for both the employees using the lockout/tagout devices and employees working in the area. Retraining must be completed when job assignments, equipment or procedures change. Also, should be the annual review necessitates it.
- 7. Only authorized employees may implement a lockout/tagout system.
- 8. All affected employees must be notified of the application or removal of a lockout or tagout device.
- 9. The procedures for implementing a lockout or tagout system shall cover the following elements and be in the following sequence:
 - a. Preparation for shutdown
 - b. Shutting down the machine or equipment
 - c. Isolation of the machine or equipment
 - d. Application of the lockout or tagout device
 - e. Release of stored or residual energy
 - f. Verification of isolation

10. The procedures for release of a lockout or tagout system shall cover the following elements and be in the following sequence:
 - a. The machine or equipment involved are intact
 - b. All affected personnel are safely positioned
 - c. Only the person who put the lockout/tagout device on removes it. (There are exception procedures if this person is not available.)
 - d. Safe testing of equipment during partial release of lockout/tagout. (The regulation specifically designates a sequence of actions.)
11. On-site employees and outside contractors shall inform each other of their respective lockout/tagout procedures.
12. If more than one person is authorized to work on equipment that is locked out or tagged out:
 - a. There must be provisions to ensure each person's safety.
 - b. An authorized employee must take primary responsibility for the group of employees and coordinate affected work forces to ensure continuous protection.
 - c. Each authorized employee must affix their personal lockout or tagout device to the group lockout device.
13. Specific procedures shall be utilized during shift or personnel changes to provide for orderly transfer of lockout tagout devices.
14. The training shall cover the following areas:
 - a. Details about the type and magnitude of the hazardous energy sources present in the workplace.
 - b. The methods and means necessary to isolate and control those energy sources shall include the elements of the energy-control procedure (s).
15. The Power Department has a separate LOTO policy that applies to their unique program requirements.

Adopted 7/11/96

EIGHT STEPS FOR LOCKOUT/TAGOUT

1. Think, plan and check. If you are in charge, think through the entire procedure. Identify all parts of any system that needs to be shut down. Determine what switches, equipment, and people will be involved. Carefully plan how restarting will take place.
2. Communicate. Let all those who need to know that a lockout/tagout procedure is taking place.
3. Identify all appropriate power sources, whether near or far from the job site. Include electrical circuits, hydraulic and pneumatic systems, spring energy, and gravity systems.
4. Neutralize all appropriate power at the source. Disconnect electricity. Block moveable parts. Release or block spring energy. Drain or bleed hydraulic and pneumatic lines. Lower suspended parts to rest positions.
5. Lockout all power sources. Each worker should have a color-coded lock, labeled with his or her department. You may use clips, chains and lockout boxes.
6. Tagout all power sources and machines. Tags should explain the reason for the lockout, your name, and date and time of tagging. Tag machine controls, pressure lines, starter switches, and suspended parts.
7. Relieve stored energy, such as charged capacitors, compressed springs, hydraulic accumulations, etc.
8. Do a complete test. Double check all steps above. Do a personal check. Push start button, test circuits, and operate valves to test the system.

After the job is completed, follow the safety procedures you set up for restart. With all workers safe and equipment ready, then it's time to turn on the power.

Revised 7/3/96

SECTION X

CONSTRUCTION SAFETY, ABOVE GROUND AND UNDERGROUND WORK

Municipal employees are often involved in tasks related to heavy construction industry. Heavy machinery is employed in public works projects to save time and labor, but potential hazards to inexperienced or untrained workers are multiplied in the process. The operators of construction machinery often do not have sufficient visibility to detect danger to nearby workmen, or the ability to avoid an accident by quick reversal of controls. The machinery is designed to handle extremely heavy work and usually does. Being struck by, or caught in or between such machinery and its loads usually inflicts severe injuries.

Other public utilities are often installed in or near the work site area of projects to be completed by City employees. Contact with, or damage to, the other utilities may affect the safety of the workmen on the job, the safety of the general public, or interruption of essential utilities services. Following is a list of most of the utilities a City employee must consider at job sites in the Murray Areas or fringe areas adjacent to other governmental units.

Electric Company	Gas Company	Water Works
Telephone Company	Sewers	State Highway Department
Streets Lighting	Fire Signals	Salt Lake County
Storm Drains	Traffic Signals	Cable T.V.

The daily familiarity with these services may make even experienced employees treat them too lightly until there occurs a gas explosion, an electrocution, a cave-in, or loss of a vital communication service. Frequent work in a particular area may lead employees to believe they know what other services are there. The rapidly changing demands of today's society leaves no room for such assurance. Recent changes may have been made. This attitude must be consciously avoided at all times. Safety precautions must be a part of job planning. Overhead lines constitute a hazard that must be considered when operating machinery beneath them. Underground services constitute many hazards when damaged in a dig-up.

The most immediate danger to workmen lies in contact with electric service or rupture of a gas service. Such accidents can be prevented by advance planning. But, if they should occur, prompt reporting to the utility concerned is of prime importance. Escaping natural gas constitutes an explosion potential, and the leak must be stopped by trained personnel as soon as possible. Contact with a primary electrical circuit constitutes a shock hazard. If an injured employee is still at the point of contact or rescuers are attempting to remove him, the reactivation of the circuit poses additional hazards. An immediate report to the utility affected will avoid compounding the hazard.

Some of the principal hazards affecting employees and/or public safety are:

Dig-ups resulting in gas explosion, electrocution, flash burns, etc.

Rupture of gas, water, and sewer facilities from using mechanical compaction, boring, or digging equipment.

Electrocution resulting from contact with overhead electrical wires.

Interruption of electrical service or communication lines from dig-ups, pole collapse, etc.

Fractures, contusions, crushes, etc., from being struck by or caught in materials and/or machinery.

Fractures, strains, dislocations, etc., from cave-ins.

Strains from lifting and materials handling tasks.

Eye injuries from dust and debris propelled by machinery and tools used in the operations.

Construction accidents can be prevented by constantly including consideration of necessary safety precautions in planning every job, coordinating with other utilities to locate services near the job site, instruction of workers about hazards involved as each job is explained to them, use of approved protective clothing and equipment, and adherence to approved safe job procedures.

The following safety procedures are established:

BEFORE WORK IS STARTED, a supervisor shall:

1. Check plans to see what public utility services are located on or near the job site area.
2. Contact Blue Stakes Utility Location Services to secure assistance in locating and protecting all underground or overhead services that may be affected.
3. Make a personal inspection of the job site area to identify what signs, post markers, overhead electrical lines, etc., may be seen and make this information known to his men.
4. Obtain the service and repair telephone number of all utilities having services in the job site area, so that an immediate report may be made to them if an accidental contact is made. Notify Blue Stakes Utility Location Services, 532-5000.

NATURAL GAS SERVICE

1. Inform all crew members of locations and depths of buried pipelines.
2. Consult the local gas utility of closely paralleling or crossing buried pipelines.
3. Specifically instruct equipment operators to avoid contacts with buried lines. Do hand digging when in close proximity to buried pipelines.
4. Be aware of proper compaction procedures when using mechanical compaction equipment after backfilling over buried pipelines.
5. Do not use drop-weight type concrete or frost breakers over buried pipelines.

IF A GAS PIPELINE IS DAMAGED

1. Immediately call 911 and the gas utility service and repair office to report the damage.
2. Shut off all motors in the area.
3. Remove all flares or lanterns.
4. Enforce NO SMOKING in the area.
5. Re-route traffic from the immediate area.
6. Do not operate gas valves.
7. Check buildings in the immediate area for gas odors.
8. Request occupants to leave the area if gas odors are detected.
9. Stay near the area until emergency personnel arrive at the scene.

ELECTRICAL TRANSMISSION SERVICE

1. Contact the local electric power utility and Blue Stakes if work is to be done near electric service and accurately locate any buried service.
2. If excavating near poles or guide wires and the possibility of damage to cables or collapse of a pole line exists, consult the power company.

3. If excavating beneath buried conduit or cables, arrangements shall be worked out in advance with the power company concerning maintenance of electrical services, proper support of exposed conduit, and suitable compacting of backfill.
4. All wires and conduit shall be considered energized and dangerous.
5. Booms and protruding parts of construction machinery shall not be operated closer than 10 feet from overhead electrical lines. When construction machinery is operated in close enough proximity to energized lines that a full traverse of the moving parts could result in contact, a signalman shall be provided to direct the operator. Signalmen in those circumstances shall be especially watchful to prevent movement of the machinery any closer than the minimum 10 feet clearance prescribed above.
6. Men on the ground handling suspended loads, slings, cables, or in contact with the machine, are in the most hazardous position if contact with energized electrical lines occurs. Ground crews shall be repeatedly warned of the hazard and especially watchful to prevent such contact.

IF MACHINES CONTACT ENERGIZED WIRES

1. Immediately contact the power company service and repair office.
2. The operator should attempt to swing the boom clear.
3. Persons on the rig are usually safe. If necessary to leave the rig, jump entirely free, being careful that no part of the body comes in contact with the machine and the ground at the same time.
4. When jumping clear of energized equipment, aim for dry ground.
5. Once clear of energized equipment, do not return to it and keep others away from it.
6. If wires are down, post guard to prevent anyone from touching them.

TELEPHONE SERVICE

1. While telephone circuits operate on low voltage and are not an electrical hazard in themselves, they may be energized with higher voltages when crossed with power lines by accident at points far removed from the job site. Consider ALL lines hazardous.
2. Do not cut or disturb guide wires. Sudden release of tension may cause an entire pole line to collapse.

3. Underground telephone cable is generally buried with a minimum cover of 24 inches. Subsequent grading may have reduced this minimum. Pipe pushers, trenchers, boring tools, air hammers, pins for paving and curb forms, etc., should not be used until determining the depth and location of buried telephone cables and conduit.

TRENCHING AND EXCAVATION

The 1990 revised standard:

- Establishes one set of standards for all excavations, including trenches (trenches are excavations that are deeper than they are wide).
- Use terms that are consistent with those of the civil engineering profession and with the construction industry.
- Sets up a system for analyze the soil before workers enter a trench and when conditions change.
- Recognizes professional engineering practices and for approval of all excavations deeper than 20 feet.
- Requires a "competent person" at the work site about soil analysis, protective systems and the excavation standard; this person can recognize existing or potential hazards and correct them.
- Requires employers to protect workers with sloping, shielding or shoring.

MATERIALS HANDLING MACHINERY

1. When moving heavy objects with a crane, use the proper slings and grips to secure the load to be suspended.
2. When guiding a suspended load into position, always use nonconductive rope or nylon tag lines to permit maintenance of a safe distance from the drop zone in case a suspended load should fall, or contact with an electrical service should occur.
3. Never crawl under mobile construction machinery during rest or lunch breaks.
4. Avoid moving a suspended load over persons on the ground, or above persons working in an excavation.

AERIAL PLATFORMS AND BASKETS

City employees use several kinds of mobile equipment that provide platforms or baskets on which they are mechanically lifted to work on things too high to reach from the ground. This equipment is used by Linemen, Tree Trimmers, Firefighters, and in various public service maintenance tasks.

The hazards involved are:

- Contact with electrically charged overhead wires.
- Falls.
- Dropping tools and other objects upon workers below.
- Being caught in, on, or between equipment parts.

Extreme care must be exercised when operating this equipment near overhead lines. With certain exceptions, aerial platforms or baskets should not be positioned closer than 10 feet to overhead lines. The exceptions are:

1. Power Department employees who must work on overhead lines.
2. Employees in the Power Department who must service traffic signal installations.
3. Firefighters on emergencies with coordination from the Power Department.

Falls can be prevented by use of adequate and appropriate safety equipment. A raised platform or basket becomes a highly unstable support if jarred by a collision with the base vehicle, or jerky operation, or failure of mechanical controls. Prevention of falls is achieved by using a safety line, strong enough to support the weight of the employee using it, is secured to the employee and to the boom or platform.

The equipment used by City crews has controls located in various parts of the basic machine to operate the out-riggers, booms, power take-off, etc. There is little standardization, even on equipment of the same general type. The operator who activates such controls should make sure that all persons in the vicinity of this equipment are clear of any moving part before power is applied. The supervisor or lead man in charge of the crew is responsible for insuring that this precaution is taken and that appropriate warning is given.

The following safety procedures are established:

1. Always lower out-riggers before raising the basket. (Some equipment now in use is equipped with an interlock which prevents raising the basket until out-riggers are down.)
2. Give verbal warning to persons near the vehicle when lowering out-riggers if an automatic audible signal is not operative.

3. When working aloft in aerial baskets or platforms, a safety line shall be connected to a fitting or harness secured to the platform, basket or boom, and to a safety belt or harness worn by the employee.

WORKING IN PUBLIC RIGHT OF WAYS

Municipal employees are often required to work in or along side right of ways normally used for vehicle or pedestrian traffic to repair utilities services, or perform tree trimming or landscaping tasks, and other maintenance activities. It is desirable that, whenever possible, some continued flow of traffic be maintained with the least possible interference with normal traffic patterns. There are two safety considerations involved. (1) Protecting employees from being struck by vehicular traffic. (2) Helping the using public to safely avoid hazardous obstructions, excavations, etc., that interrupt the flow of both vehicle and pedestrian traffic.

When road surfaces are being repaired, manholes opened, or excavations dug, it is necessary then that adequate warning of the hazard be posted, that a minimum amount of the right of way be blocked off consistent with safety requirements, and that traffic be efficiently re-routed.

If repair work obstructs a traffic lane in a street and thus compresses several lanes of traffic into fewer lanes, warning by signs and barricades must be given to motorists well in advance of the obstruction. If manhole openings and excavations constitute a hazard to pedestrians, then adequate barricades and re-routing of walkways must be provided.

Maintenance activities may include such minor interferences as tree trimming, curb site planting, street sweeper operation, trash pickups, light fixture cleaning, traffic signal repair, etc. They may interfere with normal traffic in the form of standing or slow-moving vehicles and equipment, or occasional movements into the normal right of way. The feature of simultaneous flashing of all turn signal lights should be used, augmented by oscillating or rotating lights, or flashing arrow signs mounted on the vehicle. For minor construction or maintenance operations requiring 15 minutes or less, the work vehicle itself with the high visibility color or reflective markings mounted on the vehicle and warning lights described above, will usually be adequate.

When maintenance or construction activities exceed 15 minutes duration, adequate signs and barricades shall be set up.

The following safety procedures are established:

1. No city street shall be completely closed for utilities repair work without prior approval of the Department Head and adequate notice to the Department of Public Safety.

2. If an open cut is left in a posted traffic lane when work is stopped or suspended for any reason, a steel plate cover, of sufficient strength to sustain normal traffic loads should be placed over the cut and anchored. If a cut cannot be covered and must be left overnight, signs and barricades shall be left in place, adequate lighting shall be provided.
3. Mobile equipment used for maintenance and repair work in City streets shall be equipped with flashing or rotating lights.
4. When a portion of a street has been closed for maintenance and repair work and construction equipment must be intermittently operated in lanes left open to traffic, a person shall be provided to control traffic.
5. Any obstruction of a public right-of-way by City work crews for maintenance and repair work exceeding 15 minutes in duration shall be signed and barricaded according to basic OSHA warning principles.

TRAFFIC WARNINGS

1. Protection of hazards, such as large holes, soft patches, windrows, etc.
 - a. Place signs in advance of hazard.
 - b. Mark windrow ends with flag during the day and flasher barricades at night.
 - c. Protect holes and patches with wooden horses or snow fence barricade at the hazard and add flasher barricades at night.
 - d. No gravel windrow shall be left in the middle of the road at night.
 - e. Where flags are used to mark a hazard, they shall be replaced by signs as soon as possible.
2. The person in charge of work requiring the placement of flasher barricades shall:
 - a. See that the lights are properly placed and adequate for the job. At least two lights will be required when a road is barricaded.
3. Removal of temporary signs:
 - a. Signs placed solely for the protection of employees shall be removed at the end of the day's work.
 - b. Signs placed to warn of temporary hazards (Bump, One-way Traffic, etc.) shall be removed as soon as the hazard has been eliminated.

4. Protection of employees working on roadway:

- a. "Crew Working" signs shall be placed in advance of the work in both directions.
- b. Work shall be done on one-half of the roadway at a time when patching and/or filling cracks, etc.
- c. Flagperson shall be used where the amount or speed of traffic warrants.
- d. Workers shall wear a highly visible vest or shirt while working on roadway.

FLAGGERS

1. When hazardous conditions or unusual circumstances develop, it shall be necessary to either barricade the area or place flagperson to prevent persons from entering the area until the hazard is removed or eliminated.
2. When overhead work is being performed and an adequate roof or other protection is not provided, barricades with signs, roping off with signs, or other satisfactory means, such as a flagperson shall be provided to prevent entry into the area.
3. "CREW WORKING ABOVE" and similar signs shall be posted where appropriate.
4. When employees are working at the bottom of inclines or steep grades on which equipment is working, adequate flagperson, look-outs, etc. shall be posted to warn of unusual hazards.
5.
 - a. Flaggers must be used to slow down or stop traffic where the building or maintenance of roads or streets is an active process or hazardous traffic may be encountered.
 - b. Adequate signs, lights, flags, or other means of warning must appear in advance of all road maintenance or construction. (This includes maintenance of railroad crossings.)
 - c. Where slow moving equipment is being used, a warning sign shall be posted and warning lights, signs, and flags shall be attached to such equipment.
6.
 - a. Flaggers shall be selected with care, and only active, able bodied personnel shall be used. They must have good eyesight and hearing and be mentally alert.
 - b. All flaggers must receive State Certification before going to the job.

7.
 - a. The flagger's job is to protect his fellow workers and the public.
 - b. The flagger shall be responsible for the safe guidance of traffic through the work area.
 - c. The flagger must be visible to the approaching motorist and moving machinery soon enough to be able to stop or direct traffic to insure the safety of the job.
 - d. It is mandatory that signs or other warnings or directive devices be covered or removed when not in use.
8. A flagperson shall not leave his/her assigned post until relieved or the hazards are removed.
9. In addition to being fully clothed, flaggers must wear a city approved reflectorized vest or other attire so as to be readily detected. In all cases, flaggers must wear a hard hat.
10. Special consideration must be given to night flagging. Adequate lighting, reflective clothing and other methods must insure visibility of the flagging operation.
11. When crews are patching or otherwise working on the traveled surface of a road, in addition to adequate flagging, they shall be attired in a city approved reflectorized vest or similar clothing to make them conspicuous.
12. Any jurisdiction having more rigid regulations shall be complied with.

" WHY SPEND ALL YOUR TIME ON THE JOB SAFETY PROGRAM,
THEN LOSE IT ALL TO OFF-THE-JOB CARELESSNESS? "

SECTION XI

CONFINED SPACE

City employees may be sometimes required to work in confined spaces. By definition, a confined space is a space that is large enough and so configured that an employee can bodily enter and perform work. Confined spaces have limited or restricted means for entry or exit and are not designed for continuous occupancy. Examples include storage tanks, storage bins, ductwork, sewers, tunnels, vaults, manholes, valve chambers, and even open pits where heavier-than-air gases may accumulate.

The hazards of confined spaces include but are not limited to flammable or explosive gases or vapors, toxic gases or vapors, and not enough oxygen to support life. These hazards can kill with frightening efficiency and lightning speed. Some are colorless, odorless, and tasteless. With some hazardous gases, even a very small amount is dangerous.

When employees must enter vaults or manholes to clean and repair sewers or to operate, maintain, construct and repair underground electrical circuits, etc., there may be flammable gases, asphyxiant gases, irritant gases, or a lack of oxygen present. These may be caused by natural sewer gases from decomposition, spills or chemical compounds, or gas/liquid seepage through the ground. The protection against these hazards involves precautionary measures. Air monitoring equipment is available to detect the presence of lack of oxygen and other toxic gases or vapors. If air monitoring indicates danger, the area should be purged of dangerous atmosphere whenever possible and ventilated, then air monitoring continued. The source of the contamination should be closed off if possible. Whenever it is necessary for an employee to enter a confined space that is determined hazardous, appropriate respiratory equipment shall be available. In this case, an approved harness and attached line shall be used with a safety attendant at the opening.

All confined spaces shall be identified and classified as **non-permit-required confined spaces** or **permit-required confined spaces**. The degree of hazards that confront entrants determines the classification of the confined space. These hazards include engulfment, worker entrapment, exposure to hazardous atmospheres and other acute hazards. A hazard assessment shall be performed and documented by health and safety personnel to determine each type of confined space.

BASIC TERMS:

Attendant means an individual stationed outside the confined space who monitors the authorized entrants and who performs all attendants' duties assigned in the permit-space program.

Authorized entrant means an employee who is authorized by the employer to enter a permit space.

Entry means the action taken by an employee to pass through the opening into a permit-required confined space. Entry includes ensuring work activities in the space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of the opening into a space.

Hazardous atmosphere is an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue, injury or acute illness for one or more of the following causes:

1. Flammable gas, vapor, or mist in excess of 10% of its lower explosives limit (LEL)
2. Atmospheric oxygen concentration below 19.5% or above 23.5%
3. Atmospheric concentration of any substance which could result in employee exposure in excess of its permissible exposure limit (PEL)
4. Any other atmospheric condition that is immediately dangerous to life or health (IDLH)
5. Testing shall be the responsibility of the entry supervisor.

Forced Air Ventilation (continuous) shall be used, as follows:

1. An employee may not enter the space until the forced air ventilation has eliminated any hazardous atmosphere
2. The forced air ventilation shall be so directed as to ventilate the immediate area where an employee is or will be present within the space and shall continue until all employees have left the space
3. The air supply for the forced air ventilation shall be from a clean source and may not increase the hazards in the space

Non-permit-required confined space (enclosed space) is a space that meets the definition of a confined space but, which after evaluation, does not contain or not expected to contain any hazards capable of causing death or serious physical harm.

1. Tested and found *not* to contain nor has expected to contain a hazardous atmosphere. If a hazardous atmosphere is found, it is eliminated by continuous forced air ventilation prior to entry.
2. Tested and found *not* to contain a material that has the potential for engulfing an entrant or eliminated prior to entry.

3. Tested and found *not* to have an internal configuration such that an entrant could be trapped or asphyxiated by inwardly-converging walls or by a floor which slopes downward and tapers to a small cross-section or eliminated prior to entry;
or
4. Tested and found *not* to contain any other recognized serious safety or health hazard.
5. Testing shall be the responsibility of the entry supervisor.

One or more employees may enter without an attendant at the opening, continuous monitoring of the atmosphere or wearing retrieval equipment.

Non-permit-required confined spaces (enclosed spaces) are designed for employee occupancy during normal operating conditions. Electrical and other energy systems will not have to be shut down, nor will the spaces have to be drained of liquids for the employee to enter the space safely. On the other hand, other "permit-required confined spaces" at electrical generation plants are not designed for employee occupancy and require energy sources to be isolated and fluids to be drained for the space before and employees can safely enter.

Permit-required confined space (permit space) is a confined space that has one or more of the following characteristics:

1. Contains a hazardous atmosphere. If a hazardous atmosphere is found, it is eliminated by continuous forced air ventilation prior to entry.
2. Contains a material that can engulf the entrant and cannot be eliminated prior to entry.
3. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly-converging walls or by a floor which slopes downward and tapers to a small cross-section; or
4. Contain any other recognized serious safety or health hazard.

Permit system is the administrative procedure for preparing and issuing permits for entry and for returning the permit space to service following termination of entry.

Rescue service is Fire Department personnel designated to rescue employees from permit spaces but the attendant may perform non entry rescues.

Retrieval system is the equipment (including a retrieval line, chest or full-body harness, and a lifting device or anchor) used for a non entry rescue of employees from permit spaces.
The following safety procedures are established:

RESPONSIBILITIES NON-PERMIT-REQUIRED CONFINED SPACE

1. Before removing the entrance cover, check for the presence of any atmosphere pressure or temperature differences. Test and evaluate whether the space contains a hazardous atmosphere. Any condition making it unsafe to remove the cover shall be eliminated before the cover is removed.
2. Before entering the enclosed space evaluate whether the space contains a hazardous atmosphere.
3. Place a barrier around the opening to prevent an accidental fall into the opening (railing, temporary cover or any other temporary barrier providing the required protection may be used).
4. Attendants shall remain outside the enclosed space during entry operations. The attendant is not precluded from performing other duties outside the space, if these duties do not distract the attendant for monitoring employees within the space. The attendant shall not enter the enclosed space.
5. All air monitoring equipment shall be calibrated to within a minimum accuracy of +10%.
6. Test the space for atmospheric oxygen and flammable gas, and vapor prior to entry of the space. The test shall be accomplished by direct-reading air monitoring instruments capable for providing an immediate analysis of data samples.
7. Should a hazardous atmosphere be found, it shall be eliminated by continuous forced air ventilation prior to entry. The forced air ventilation shall be so directed as to ventilate the immediate area where an employee is or will be present within the space and shall continue until all employees have left the space. The air supply for the forced air ventilation shall be from a clean source and may not increase the hazards in the space.
8. Prior to the use of any open flames within in the space, air monitoring for flammable gas, and vapor shall be conducted and at least once an hour while the open flame is used within the space. Testing shall be conducted more frequently should the conditions indicate an accumulation of flammable gases or vapors.

RESPONSIBILITIES PERMIT-REQUIRED CONFINED SPACE

Entry supervisor:

1. Evaluate the work site to determine if any operations involve permit-required confined spaces.
2. Inform employees who may enter confined spaces, on the existence and location of, and danger posed by the permit spaces, by posting danger signs or other equally-effective means.
3. Inform subcontractors of the requirements for the permit-required confined-space program.
4. Reevaluate permit space when there are changes in conditions.
5. Identify the hazards that may be faced during entry.
6. Attend permit-required confined-space training.
7. Ensure all employees involved with confined-space operations are trained and proficient in those operations.
8. Verify that the appropriate entries have been made on the permit and that all safe operating procedures and equipment have been specified and are in place prior to signing the permit and allowing entry to begin.
9. Verify that the means for summoning the Fire Department is available.
10. Remove unauthorized personnel from the area where permit entry is being made.
11. Determine that entry operations remain consistent with the terms of the entry conditions.

Authorized entrants:

1. Attend confined-space training.
2. Know the hazards that may be present during entry of permit-required space.
3. Properly use equipment required to safely enter the permit-required confined space which may include equipment for testing and monitoring, ventilation, respiratory protection, communication, PPE, lighting, etc.

4. Communicate with the attendant periodically.
5. Alert the attendant whenever a hazardous condition arises.
6. Exit from the space as quickly and safely as possible whenever an order to evacuate is given by the attendant or the entry supervisor, when the entrant recognizes any warning sign or symptom of exposure to a potentially dangerous situation, when the entrant detects a prohibited condition, or when an excavation alarm is given.

Attendants:

1. Attend confined-space training.
2. Know the hazards that may be present, and the symptoms of over-exposure to the chemical and physical hazards faced by the entrants.
3. Be alert to the possible symptoms exhibited by the entrants.
4. Maintain an accurate count of authorized entrants in the permit space and ensure that the permit accurately identifies who is in the permit space.
5. Remain outside the permit space during entry operations until relieved by another attendant.
6. Communicate with entrants to monitor their status.
7. Monitor activities inside and outside the space to determine that it is safe for the entrants to remain in the space, or evacuate the space if a hazardous condition arises.
8. Summon Fire Department rescue and emergency services as necessary.
9. Keep unauthorized personnel from approaching a permit space.
10. Perform non entry rescues as required.
11. Perform entry rescues only if trained and equipped for rescue operation, and only after being relieved by a qualified attendant.
12. Perform no other duties that might interfere with the attendant's primary duty to monitor and protect the authorized entrants.

Rescue Service -Fire Department

1. Know the hazards of the confined space.
2. Attend confined-space training which includes training on hazard recognition, use of rescue equipment, and a rescue drill prior to entry into confined space with a different configuration.
3. Attend first aid/CPR training and be currently certified.
4. Conduct a rescue drill every twelve months.

PROCEDURES FOR PERMIT-REQUIRED CONFINED SPACE

1. A permit shall be issued for each permit-required confined-space entry. The permit duration is limited to the current shift; a new permit shall be issued daily for any ongoing confined-space work. The permit requirements shall be met by a qualified person; the entry supervisor shall ensure that the permit requirements are met, and sign off on the permit.
2. A written rescue procedure shall be completed prior to any confined-space work. The plan shall include the following:
 - a. Rescue equipment must be available before the first entrant enters the confined space.
 - b. A trained attendant (Fire Department) shall be assigned to each confined space with required emergency equipment including a fully-charged self-contained breathing apparatus (SCBA) or an emergency egress unit.
 - c. The attendant is to keep the lifeline clear, maintain contact with all employees within the confined space and summon help if needed.
 - d. The attendant may not leave his post until he or she is properly relieved by rescue assistance or relieved by another attendant.
 - e. The attendant may attempt a non entry rescue via a lifeline while waiting for rescue assistance.
3. The following safe entry procedures apply to permit entry confined space sewage lift stations:
 - a. An approved harness and attached line must be used for entry into dry wells when the well is equipped with an automatic ventilation system and access is provided by stairs, or ladders not exceeding a 10-foot descent. If the descent by ladders exceeds 10 feet, an attached line should be used until the employee reaches the bottom.

4. When personnel inspect storm sewers and sanitary sewers by walking through them, the following procedures shall apply:
 - a. Two manholes ahead of the inspection area shall be opened for ventilation.
 - b. At least one employee shall remain on the surface.
 - c. Employees walking the sewer shall report to the employee on the surface at each manhole.
 - d. All persons in the sewer shall be equipped with self-contained breathing apparatus and air monitoring equipment.
 - e. Descents of more than 10 feet require use of a harness and an attachment line tended from the surface until the employee reaches the bottom.
5. The following safe entry procedures apply to the internal inspection of the Little Cottonwood Hydro Project penstock:
 - a. Open, lock and tagout radial gates to divert water downstream.
 - b. Close, lock and tagout gates (2) on the east wall of diversion facility to prohibit water from entering the penstock.
 - c. Open at least one manhole ahead of the inspection. Verify the movement of air providing adequate ventilation.
 - d. One employee shall remain on the surface.
 - e. Personnel inspecting the penstock shall report to the employee on the surface at each manhole.
 - f. If ventilation (natural air movement) is not present, air monitoring will be required to ensure safe environment prior to entry.

PERMIT SYSTEM - All confined-space entry permits shall address the following:

1. Location
2. Duration
3. Hazard identification
4. Hazard control (e.g., lockout/tagout)

5. PPE and special requirements
6. Air-monitoring requirements and documentation of results
7. Personal monitoring
8. Training required
9. Entrants
10. Attendant personnel
11. Rescue personnel
12. Communication procedures
13. Emergency/rescue procedures
14. Confined-space classification
15. Posting of notification

TRAINING FOR PERMIT-REQUIRED CONFINED SPACE

The Departments and the Health/Safety Manager will train personnel involved in a permit-required confined space entry and rescue on the hazards associated with confined-space work. Training will be provided to each affected employee before performing confined-space activities, when there is a change in assigned duties, and when there is any change in safe work procedures. The training will, as a minimum, include the following topics:

- Hazard recognition
- Hazard control
- Emergency entry and exit
- Respirator use
- First Aid/CPR
- Lockout procedures
- Safety equipment
- Rescue drill for each new entry configuration (at least annually)
- Permit systems
- Work practice
- Communications and requirements
- Air monitoring
- Ventilation techniques

TESTING AND MONITORING OF PERMIT-REQUIRED CONFINED SPACE

Entry into any confined space is prohibited until initial testing of the atmosphere for oxygen content and toxic gas concentration is conducted from the outside. Initial monitoring gives critical information concerning oxygen level, flammability, and toxicity hazards. In general, employees will not enter confined spaces if there is any indication of flammable vapors greater than acceptable levels, any oxygen deficiency or excess, or any indication of toxic vapors greater than acceptable levels.

LABELING AND POSTING OF PERMIT-REQUIRED CONFINED SPACE

Prior to entry, all entrances to permit-required confined spaces will have appropriate signs posted. The sign should include the following if applicable:

DANGER
Confined Space Entry
Entry by Permit Only
DO NOT ENTER
Responsible Supervisor's Name

The following statement shall be added where necessary:

Respirator Required for Entry
Lifeline Required for Entry
Hot Work Permitted (Welding or Cutting)
or
No Hot Work Permitted

SAFETY EQUIPMENT AND PPE FOR PERMIT-REQUIRED CONFINED SPACE

The entry supervisor will determine and list on the permit-required confined-space permit the necessary safety equipment and personal protective equipment (PPE). Entry supervisor will ensure equipments proper use and is maintained in proper working conditions.

WORK PRACTICES FOR PERMIT-REQUIRED CONFINED SPACE

1. During the ventilation procedures, blower controls will be at a safe distance from the confined space. Initial testing is to be conducted prior to ventilation to determine what precautions are necessary. If a flammable atmosphere exists, all electrical equipment must be intrinsically safe or explosion-proof as defined by the National Electric Code (NEC). Ventilation systems must not prevent egress from the area or interfere with communications.
2. Lockout/Tagout

Each permit-required confined space will have isolation procedures specifically developed. The confined space must be completely isolated from all systems by physical disconnect, block and bleed, or blanking and tagging. Electrical system must be deenergized and locked out. Exceptions to this rule will be work functions performed by a qualified Power Department employee. All systems should be checked for stored energy before any entry into the confined space is attempted.

3. Cleaning procedures will be reviewed and approval given by the entry supervisor. Initial cleaning will be conducted from outside of the vessel whenever possible to minimize exposure to employees. Cleaning shall be accomplished by flushing with water or chemical cleaners. In any case gross contamination must be removed before entry is performed.

PROGRAM REVIEW OF PERMIT-REQUIRED CONFINED SPACES

The permit-required confined space entry program shall be reviewed at least annually. The program shall be revised as necessary to ensure the safety of personnel performing permit-required confined-space entries.

Adopted 5/02/96

" A GOOD SAFETY RECORD IS CLEAR EVIDENCE OF GOOD MANAGEMENT. "

SECTION XII

LADDERS AND SCAFFOLDING

Electrocution and free falls are the two most critical types of injuries on ladders and scaffolding. Other hazards include: splinters, splinters, and slips resulting in sprains and strains, bruises and abrasions.

The following safety procedures will prevent accidents and possible injury:

LADDERS

1. Metal ladders shall not be used in the vicinity of electrical circuits.
2. Periodically inspect wooden ladders. Wooden ladders shrink over a period of time. In a stepladder, this may cause steps or back bar members to become loose. Hold the rods beneath the steps with a plier and tighten the nut at the end with a wrench to maintain strength and steadiness.
3. Wooden ladders or scaffold planks should not be painted, as defects may be covered by paint. Use a good grade of spar varnish or a mixture of linseed oil and turpentine to preserve the wood.
4. Nonskid feet shall be used on all straight and extension ladders.
5. Straight ladders form a triangle when placed against the wall or objects for climbing. When properly placed, the bottom side of the triangle should be about one fourth as long as the vertical. (i.e., if the ladder is leaned against a wall eight feet high, the feet should be set two feet from the wall). Ladders shall never be placed against window sash.
6. When using a straight ladder, it should be long enough to extend at least three rungs above the level to which the user is climbing. Step ladders must not be used as straight ladders; they are not designed for this purpose.
7. If the bottom of a ladder is placed on an insecure surface, secure the ladder in a position by the use of hooks, ropes, spikes, cleats, or other anti-slip devices, or by stationing an employee at the base of the ladder to hold it in position during use.
8. Never stand on the top step of a step ladder to work.
9. Only one person shall be on a ladder at a time.

10. Never carry articles in hand while climbing. Use a hand line to raise and lower tools and materials, or suspend them suitable in a tool belt.
11. Always face a ladder when ascending or descending it and have free use of both hands.
12. Clean muddy or slippery shoes before climbing.
13. Keep rungs clean and free of grease and oil.
14. If it is necessary to place a ladder near a door or where there is potential traffic, set up warning signals or take other precautions to prevent accidental contact that might upset the ladder.

SCAFFOLDING

1. Proper supervision is required to erect scaffolding.
2. Planks and other material used in building scaffolding must be sound and free from knots. Keep planks in good condition with a spar varnish (never paint the planks).
3. Planking shall be adequately cleated; the scaffolding over ten feet should have toe boards, mid-rails, and handrails.
4. Tools on top of the scaffolding are liable to fall and injure someone. Keep tools in a bucket or box lashed on the scaffolding.

SECTION XIII

MOTOR VEHICLES AND MOBILE EQUIPMENT

City vehicles are easily identified as such and thus constitute a traveling advertisement seen by many citizens. They have what advertising men call high exposure. In our relationship with other motorists and pedestrians while operating City vehicles, we control an important influence upon good or bad public relations with the City. By courteous, considerate driving habits, we shall build good public relations, if we apply the principles of defensive driving to avoid accidents.

The following safety procedures are established:

1. All employees shall be responsible for a safety check EACH DAY of any vehicle or mobile equipment he is assigned to drive.

2. Safety checks shall include:

Lights	Power steering and fluid reservoir
Horns	Windshield washers and wipers
Tires	Directional signals
Clutch travel	Brakes and brake fluid
Motor oil	Hydraulic systems

(Brakes shall be tested by putting the vehicle in gear and applying the brakes to bring it to a stop.)

3. Position all adjustments for safe driving before putting the vehicle into gear, such as seat, inside and outside mirrors, and sitting positions.
4. Drivers of City vehicles must possess a valid Utah Driver's License, and they must be thoroughly familiar with the state and local regulations governing motor vehicle operation. The fact that an employee is operating an emergency vehicle does not absolve him from civil or criminal liability for the consequences of wantonly reckless driving. The driver must be in the position to satisfy a jury that he used reasonable care and prudence in operating emergency vehicles. Even though emergency equipment has warning devices, the drivers are expected to PROCEED WITH ALL CAUTION.
5. All slow-moving equipment operated in public right of ways shall be equipped with a triangular shaped reflecting sign in accordance with Utah Motor Vehicle Code.
6. Load security:
 - a. Supplies transported in motor vehicles shall be secured in such a manner that they will not be dislodged or fall out or forward during transit or sudden stops.

- b. Drawers in moveable trucks shall always be secured in such a manner that they will not be dislodged or fall out or forward during transit or sudden stops.
 - c. All tower equipment (ladder trucks, aerial buckets, etc.) will be checked and secured prior to the movement of the vehicle.
 - d. Only materials and equipment necessary to carry on City work will be transported in or on City vehicles.
- 7. Never take drugs or strong medication before operating a vehicle. Remember that drugs, illness, or extreme fatigue may affect your ability to judge distances, speed, and driving conditions.
 - 8. All persons who drive or ride in City vehicles will, in all cases, wear the installed seat belts.
 - 9. Supervisors are responsible for insuring that all their employees are utilizing the installed seat belts.
 - 10. Not more than three persons shall be permitted to ride in the front of a driver's seat of any vehicle. Persons shall not be transported in any vehicle unless safe and secure seating is provided for each such person.
 - 11. Parking vehicles:
 - a. Except when working conditions require otherwise, parked vehicles must have motor stopped, key removed and emergency brakes set, and be left in gear.
 - b. If on a downgrade, turn front wheels towards the curb. If on an upgrade, turn away from the curb. Set brakes, and leave transmission in "park" before leaving the driver's seat.
 - c. Vehicles will not be parked on the wrong side of the street facing traffic, except in case of emergency.
 - d. When trucks or vehicles must be stopped on streets or highways, adequate warning signals, including cones, must be used, and also a flagperson, if traffic warrants.
 - e. Turn signals will not be used as parking warning.
 - f. Before leaving the curb, look to see that no cars are approaching from either direction, and signal your intention.
 - 12. When backing up a vehicle, be sure the way is clear. Get out of the vehicle when necessary and inspect the area to be backed into. Back up slowly. Sound horn while backing, when necessary. If there is another employee along, he should get out and direct the backing.

13. Never leave the vehicle with the engine running. It is illegal as well as an unsafe practice to leave any vehicle unattended with the motor running. Remove keys from ignition and lock the doors.
14. Drivers must be particularly alert while driving near children. Children must be kept from playing in or about City owned vehicles. While working in area, such as schools, parks, playgrounds, swimming pools, or community centers, drivers will be especially watchful for children and will drive carefully and slowly at all times.
15. Stay within posted speed limits. Slow down when conditions warrant.
16. Do not assume the right-of-way. The driver who has the last chance to avoid an accident may be the driver in the legal right. DON'T BE PUSHY; YIELD OR STOP.
17. Keep a distance behind other vehicles, so as to avoid tailgating. Do not allow others to tailgate. Slow down, pull over to the side, let the tailgater pass.
18. Signal intentions at least 100 feet in advance, including change-in-lanes, and actual change-in-directions. Avoid sudden braking.
19. Turn on low beam headlights during dark periods of the day, such as during rain storms and fog. Headlights should be "on" ½ hour before sunset and until ½ hour after sunrise when driving at night. Parking lights designate a vehicle is parked. Never drive with only parking lights on.
20. Filling tanks:
 - a. Shut off the motor of the equipment.
 - b. Do not smoke within 50 feet of gasoline pumps.
 - c. Keep the hose nozzle against the edge of filler pipe.
 - d. To avoid spilling gasoline, do not fill tank too fast or too full.
21. In the event of an accident involving City-owned vehicles, the following procedure will be followed:
 - a. Render first aid and call for emergency medical personnel.
 - b. Notify the Police Department immediately and request an investigator at the scene.

- c. In the event the investigator fails to appear within a reasonable time, exchange names, drivers license numbers and vehicle number with the other persons involved. Offer no information regarding the responsibility for the accident or what should have been done to avoid the accident.
- d. All accidents involving personal injury require immediate notification of the accident be given to the City Attorney's office.
- e. The driver of the City vehicle must report the accident to his supervisor as soon as possible. The supervisor shall report this accident to the proper authorities as soon as possible.
- f. All claims against the City are to be forwarded to the City Recorder's office or the Mayor's office with a copy to the City Attorney.

SECTION XIV

MURRAY CITY TRAFFIC AND PROPERTY INCIDENT POLICY

This policy is not intended to change the disciplinary practices of the individual departments. The intent is to track and document minor accidents and damage to city property for safety statistics, areas possibly being overlooked regarding employee safety focuses, and to determine department and city cost due to these types of incidents.

If a Murray City employee is involved in any accident with a Murray City owned Vehicle or equipment, the employee will:

II Contact Police if anyone is injured, or if non-city property is damaged with City vehicles or equipment.

II Contact their immediate supervisor as soon as possible, and advise them of the incident.

II Post-accident testing: A city employee who is involved in a traffic accident while driving a motor vehicle on employment-related business shall submit to mandatory chemical screening testing of the City's choice if:

A. That accident results in the death of any person or bodily injury to a person which requires immediate medical treatment away from the scene of the accident; or

B. That employee is cited under state or local law for a moving traffic violation arising from the accident.

II For purposes of this testing, "accident" means an occurrence involving a City motor vehicle which results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more vehicles incurring disabling damage as a result of the accident which requires that vehicle to be towed from the scene of the accident.

C. As soon as is practical after the accident, the employee's division or department head shall determine if the events require testing under this policy. If a test is required, the City shall take the employee to the medical facility for breath testing or sample collection, or both. Samples of either urine or blood, or both, may be obtained as determined by the City. If an alcohol test allowed by this method is not administered within eight(8) hours following the determination to test, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. If a drug test required by this method is not administered within 32 hours following the accident, the City shall cease attempts to administer a drug test, and shall state in the record the reasons for not administering the test.

D. The employee who refuses a urine or blood or both test shall be immediately removed from duty. Further, the employee without a valid medical explanation shall be subject to disciplinary action, including termination.

II Fill out a Report of Vehicle/Property Incident Form of the occurrence within 72 hours of the incident and forward this Report to the employee's Supervisor, who will forward it to the Murray City Health/Safety Manager. (This Report will include all parties involved in the accident or damage.

Note: The following applies to all incidents:

- A. All accidents or damage to City property incidents will be reviewed on an individual basis. Department Heads will determine what, if any, disciplinary actions should be taken based on the Department policies and procedures. Accidents involving driver error require the employee to attend Utah Safety Council Defensive Driving Course on the second accident within a two (2) year period to help prevent further occurrences. The employee's supervisor will be responsible for determining driver error and may consult with the Police Department in situations where driver error is difficult to determine.
- B. Failure to report an accident or damage involving City vehicles or equipment may be grounds for discipline by the Department Heads within Department policy and procedures.
- C. Supervisors should retain a copy of all statements completed by the parties involved in the incident. It may be necessary in some incidents to reference these at a later date.

SECTION XV

FIRST AID

While emphasis is placed on the prevention of accidents and injuries that often result, accidents do occur. Prompt, knowledgeable treatment of wounds or other physical results of accidents will, in many cases, prevent minor injuries from becoming major ones, and sometimes save lives.

The following first aid rules are established:

1. Each department foreman or supervisor shall receive American Red Cross, Advanced and Hiemlich, first aid training/CPR.
2. First aid cabinets or kits shall be maintained, shall be readily available for use, in Murray City buildings. First aid kits shall be carried on all vehicles as per OSHA standards. All first aid supplies shall be placed in weatherproof containers if supplies could be exposed to the weather.
3. Supervisors or designated vendor are to check first aid supplies at least once per year. The supplies shall be those recommended by OSHA and the American Red Cross. Minimum amounts of each item must be maintained.
4. Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.
5. Minor medical treatment for cuts, scratches, etc., should be given by the supervisor or a crew leader. Always be sure that open wounds are thoroughly cleansed with soap and water to prevent infection. Tetanus shots should be kept current.
6. There may be cases in which an injured employee, while needing professional attention, could be transported to the hospital by City car. There may be cases, however, in which it is important that the injured employee be transferred by ambulance as a stretcher case with a qualified attendant available. But if there is any doubt in the mind of the supervisor or lead person in charge, it should be resolved by calling 9-911. As an example, the following conditions would definitely indicate ambulance service:
 - a. Employees unconscious or apparently in shock.
 - b. Any apparent fracture.
 - c. Any hemorrhaging.
 - d. Severe abdominal cramps and/or vomiting.

- e. Other symptoms of internal injury.
- f. Any chest pain.
- g. Any wound penetrating a body cavity.
- 7. To obtain emergency medical assistance, phone 9-911 on the City phone system.
- 8. All animal bites, because of the possibility of rabies, should receive prompt medical attention by a physician. If someone is bitten, an attempt should be made to confine the animal.
- 9. All injuries, no matter how minor, are to be reported to the City Human Resource Office. Injury report forms shall be made available by the supervisors.

BLOODBORNE PATHOGEN EXPOSURE CONTROL

Employees are at risk for contracting infectious diseases each time they are exposed to bloodborne pathogens. Since it is possible to become infected from a single exposure, these procedures are intended to prevent exposure incidence whenever possible.

Anytime a person has a loss of body fluid, such as blood or saliva, the following general rules are established:

- 1. Assess the situation
 - a. No body fluids are exposed?
 - b. Where body fluids are exposed?
- 2. Call 9-911 when needed
- 3. Put on latex disposable gloves before helping the person. The gloves are found in the first aid kits in the Department offices.
- 4. Cordon off the area: Do not let people in the immediate area until the area is cleaned up.
- 5. Follow proper clean up procedures:
 - a. Use only approved bags for disposal
 - b. Throw away all bandages and tissues
 - c. Mop with approved disinfectant
 - d. Throw away latex disposable gloves
 - e. Wash hands, arms and face thoroughly
 - f. Proper cleaning of contaminated clothes separate from other soiled clothing
- 6. Do not administer artificial respiration without a mouth shield.

7. Cuts - when an employee gets a minor cut, they should clean up their own blood where possible. For example, an employee who cuts their finger should put their own Band-Aid on, throw away any tissues or paper towels they were using to blot the blood and if their blood got on anything. The employee should clean that item with a solution of 10% bleach or an approved disinfectant. All injuries should be reported to your supervisor.
8. If it's a more serious cut and assistance is needed, the person assisting should put on latex disposable gloves. When cleaning up, take the gloves off without touching the outside of the gloves.
9. All contaminated items should be discarded in a bag for "Biohazard." The Department will discard all items according to OSHA standards.
10. Biohazard Kits should contain:
 - Face shields
 - Latex gloves
 - Mouth shield, a clear mouth barrier for artificial respiration
 - Antiseptic towelette
 - Trash bags, marked "Biohazard"

Items are intended for use only once, discard in the proper container after use.
11. Use common sense when dealing with blood or body fluids and if questions arise, contact your supervisor.
12. The employees with a potential for exposure to Bloodborne Pathogens exposure will receive an update under the following conditions:
 - a. Whenever new or modified tasks and procedures are implemented which effect exposures of the employees.
 - b. At least annually, employees will receive the Bloodborne Pathogens exposure procedures update.
13. The Departments with specific workplace hazards such as the Police and Fire have developed their own Bloodborne Pathogens Exposure procedures.

SECTION XVI

MURRAY CITY SAFETY AWARD/RECOGNITION PROGRAMS

PURPOSE.

To further enhance the city's and the employees' commitment to the prevention and elimination of injuries through a proactive safety awareness program, individuals will be recognized and rewarded for their continued efforts in significantly reducing lost time injuries.

DEFINITIONS.

Effective July 1, 1987, all Murray City employees, except seasonals, will be eligible to participate and receive various levels of safety awards based upon the following job categories.

1. Classification of "Administrative employees" is generally based upon the following FLSA job categories:

- Elected Officials and Staff
- Officials/Administrators
- Professionals
- Para Professionals
- Office and Clerical

2. Classification of "Non-Administrative employees" is generally based upon the following FLSA job categories:

- Technical
- Protective Services - Police/Fire
- Skilled Craft
- Service Maintenance

3. "Days away from work" is defined as any disabling injury/illness which renders the person unable to perform effectively throughout a full shift the essential functions of their regularly established job.

Computing "Days away from work" is simply based upon each disabling injury/illness and the work days missed as a result thereof. The actual day of the injury will not be included when calculating total lost time.

Partial absence from a work day which relates to the original injury, such as follow up doctor's appointments or physical therapy, will not be considered "Days away from work."

POLICY

1. Effective January 1, 1993 all regular full and part time employees will begin earning safety points, based on the revised accrual schedule. All points accrued during the calendar year will be converted to a gift certificate which will be presented to the employee during the month of January.
2. On an annual basis employees will receive individual letters showing safety points accrued for the current year. Any "days away from work" injury, testing positive on any drug test, or a preventable or a chargeable traffic accident will cause the forfeiture of ALL current year points by the individual employee involved.
3. Employees on leave of absence without pay will not earn safety points until they return to work. If employee terminates during the calendar year, they will not receive a certificate.
4. City Wide - "Most Improved Lost Time Injury Record" and "Best Three (3) Year Lost Time Injury Record" Plaques will be presented annually to the Group(s) that have (1) the highest percentage improvement in reducing their lost time injuries, based upon their own previous two years lost time records, (2) the overall best three year lost time injury record. Departments classified as administrative are not eligible to receive these plaques.

If a particular group is awarded the traveling city wide "Most Improved Lost Time Injury Record" plaque three times, they will be presented with a special recognition plaque for permanent display.

5. All departments are encouraged to promote safety awareness through the use of more frequent incentives such as coffee and donuts, calendars, pens, catered luncheons, etc., when a particular safety record has been accomplished; such as going 90 days, six months or a full year without a "days away from work" accident.
6. The gift certificates will be administered through the Human Resource department, with each department/division being responsible for presenting them annually to their employees during the month of January.
7. This program was approved effective July 1, 1987 and will go back to January 1, 1987 for purposes of establishing a full calendar year's injury record which will then be used to determine our first year award recipients and future years thereafter.

ADMINISTRATIVE SAFETY POINT ACCRUAL SCHEDULE

<u>Years With No Lost Time Injuries</u>	<u>Points Biweekly</u>	<u>Points Per Year</u>
1- 5	57.70	1500
6-10	76.94	2000
11-15	96.17	2500
16-20	115.40	3000
21-25	134.64	3500
26-30	153.87	4000
31+	173.08	4500

NON-ADMINISTRATIVE SAFETY POINT ACCRUAL SCHEDULE

<u>Years With No Lost Time Injuries</u>	<u>Points Biweekly</u>	<u>Points Per Year</u>
1- 5	115.40	3000
6-10	153.87	4000
11-15	192.34	5000
16-20	230.80	6000
21-25	269.26	7000
26-30	307.74	8000
31+	346.15	9000

NOTE: Accrual will be prorated for employees working less than 40 hours a week.

GIFT CERTIFICATE SAFETY INCENTIVE PROGRAM

A JOB IS WELL DONE ONLY IF IT IS DONE SAFELY

CONGRATULATIONS, for being part of the EMPLOYEE SAFETY INCENTIVE AWARD PROGRAM at Murray City Corporation, which is specifically designed to reward each of you annually with a gift certificate for working safely here on the job.

SAFETY is becoming more and more important in your everyday life and as the cost of providing insurance continues to sky rocket, it is imperative that on-the-job accidents be cut drastically.

HOW THE PROGRAM WORKS:

1. Effective January 1, 1993 all regular full and part time employees will begin earning safety points, based on the revised accrual schedule. All points accrued during the calendar year will be converted to a gift certificate which will be presented to you during the month of January.
2. Based upon the number of years you have worked without a "days away from work" injury and whether your job is classified as non administrative or administrative, each pay period you will be awarded a specific number of safety points for a perfect accident free work pay period. Job classification and point accrual schedules have been included for you. On an annual basis, you will receive an individualized letter showing safety points accrued.
3. Safety points will be accumulated and redeemed for you at the beginning of each new calendar year, as follows:

1000 safety points	\$10.00 Gift Certificate
1500 safety points	\$15.00 Gift Certificate
2000 safety points	\$20.00 Gift Certificate
2500 safety points	\$25.00 Gift Certificate
3000 safety points	\$30.00 Gift Certificate
3500 safety points	\$35.00 Gift Certificate
4000 safety points	\$40.00 Gift Certificate
4500 safety points	\$45.00 Gift Certificate
5000 safety points	\$50.00 Gift Certificate
5500 safety points	\$55.00 Gift Certificate
6000 safety points	\$60.00 Gift Certificate
6500 safety points	\$65.00 Gift Certificate
7000 safety points	\$70.00 Gift Certificate
7500 safety points	\$75.00 Gift Certificate
8000 safety points	\$80.00 Gift Certificate
8500 safety points	\$85.00 Gift Certificate
9000 safety points	\$90.00 Gift Certificate

4. Employees who test positive on random drug testing in the Commercial Drivers License and City-Wide programs, Reasonable Suspicion, Post Accident drug testing or promotional drug testing will not receive a gift certificate.
5. Employees who are involved in a "preventable" or a chargeable traffic accident will not receive a gift certificate.

RULES

1. ELIGIBILITY All regular full time and part time employees.
2. ACCIDENT FREE MONTH Each pay period each employee will be awarded a specific number of Safety Points for working without a "days away from work" injury.
3. ACCRUAL OF POINTS Effective January 1, 1993 new employees will begin accruing points from date of hire. Accrual is also based upon the number of years you have worked without a "days away from work" injury and the number of hours you work per week and whether your job is classified non-administrative or administrative.
4. POINTS EARNED Cannot be transferred to another employee.
5. POINTS FORFEITED Testing positive on any drug test, a preventable or a chargeable traffic accident, or any on the job "days away from work" injury will cause the forfeiture of ALL current year points by the individual employee involved.
6. LEAVES OF ABSENCE Employees on leave of absence without pay will not earn safety points until they return to work.
7. TERMINATED EMPLOYEES Employees who terminate during the calendar year will not receive a certificate.
8. POINTS STATEMENT On an annual basis, employees will receive an individualized letter showing safety points earned.

9. REDEEMED POINTS

Accrued points will be redeemed at the beginning of each new calendar year. New employees accruing less than 1000 points their first year will not be eligible to redeem them until the following year.

10. GIFT PRESENTATION

All gift certificates will be available for distribution and presentation during the month of January by your department/division.

We sincerely hope that our SAFETY AWARD PROGRAM will provide you with the incentive to think a little harder and more clearly when it comes to working safely for Murray City. Accidents happen in a split second and it's just that lapse of concentration at that moment that can cause it all. Stay alert, be sharp and work safely.

REMEMBER: SAFETY IS NO ACCIDENT

SECTION XVII

VIOLATIONS OF SAFETY POLICIES/PROCEDURES

All employees have signed an agreement to carefully study, understand, and follow the management policies contained in the Safety Manuals including the Power Department APPA Safety Manual. The goal of discipline is to correct safety non compliance by following the City Management Policies outlined in the occupational safety program. Safety policies are a condition of employment that concern individual safety, the safety of fellow employees, and the safety of the general public affected by City functions. This may be achieved by applying these basic principles:

1. Regularly remind all employees of the proper conduct as contained in the City Safety Manuals.
2. Call immediate attention to the infraction.
3. Apply discipline consistently.
4. Consult with line supervisor, Department/Division heads and the Human Resources Director regarding problem cases.

FORMS OF DISCIPLINE THAT MAY BE IMPOSED

All employees of Murray City are subject to disciplinary action for violations of established safety policy/procedures. Discipline generally involves one of the following, however, combinations or level of disciplinary action may be imposed in any fact situation based upon the type, frequency and seriousness of the incident/ injury/ accident. For example, a more serious sanction may be warranted for violations which has resulted in personal injury or property damage. On the other hand, lesser level of discipline may be appropriate for a less serious violation which does not involve personal injury or property damage.

ORAL REPRIMAND: This is a clear, verbal communication to the employee that a safety violation as contained in the Safety Manuals has occurred and includes a warning the violation is not to occur again. This form of discipline shall be appropriate for minor infraction, but not for serious safety infractions.

WRITTEN REPRIMAND: This is the written record of violation of safety policies and includes a reference to all previous disciplinary action's and/or new violations. A copy of the reprimand will be placed in the employee's personnel file.

SUSPENSION WITHOUT PAY: Suspension is a serious penalty and applies to serious violation of safety policies which endanger an individual's safety, the safety of fellow employees, and the safety of the general public or continued violation of the policy.

PLACED ON PROBATION: The movement of an employee from the status of a regular career or civil service employee to a probation status for unsatisfactory job performance is permissible and can be used as a disciplinary action.

DEMOTION: This form of discipline is used in an attempt to encourage a change in the employees work habits, attitude and conduct concerning an individual's safety, the safety of fellow employees, and for the safety of the general public, while on the job. However, there are some instances where management shall have the option of demoting or dismissing an individual who is totally unresponsive to making the required corrections, adjustments, etc.

DISMISSING AN EMPLOYEE: Dismissal will follow attempts to correct the serious violation of one or more safety policies or where significant injury or property damage has occurred.

An employee may seek an administrative review of any action taken under this policy as provided by state law or City ordinance (refer to Career Service or Civil Service Grievance/Appeal procedures).

Adopted 5/02/96

MURRAY CITY
DRUG AND ALCOHOL SCREENING POLICY

Revised May, 2005

I. POLICY STATEMENT

Murray City finds that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of City services, are important to the City, its employees, and the general public. The City further finds that the abuse and misuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of services. The City also recognizes alcohol and drug abuse as a health hazard and encourages employees to seek help.

Therefore, in balancing the interests of the City, its employees, and the welfare of the general public, and to further implement its Drug-Free Workplace policy, Murray City finds that fair and equitable testing for drugs and alcohol in the workplace is in the best interest of all concerned.

The unlawful manufacture, distribution, possession, and the illegal use, abuse, or misuse of a controlled substance; the use of alcohol; and intoxication or being under the influence of drugs or alcohol, while on City premises or while conducting City business off city premises, is prohibited. A violation of this policy will result in disciplinary action, up to and including termination. Drug and alcohol test results obtained under this policy will not be used against the employee in any criminal proceeding. However, any employee who violates any law is subject to prosecution just like any other citizen, and each employee of the City must understand that illegal conduct which is proven independently of the City's enforcement of this policy will be subject to prosecution.

All recruitment announcements for any position of employment in the City, including in-house recruitments and promotion, shall disclose that a chemical screen test is required.

II. INTERPRETATION OF POLICY SHALL CONFORM TO DISABILITY LAWS

The City shall conform to the Federal Rehabilitation Act and the Americans With Disabilities Act (ADA) and related Utah law prohibiting an employer from discriminating against disabled persons. However, pursuant to those laws, the City may deny employment to any person whose current use of alcohol or drugs would or may constitute a threat to personal or public safety or to City property or prevent that employee from performing the essential duties of the job in question, after having been given all consideration and reasonable accommodations required by the Federal Rehabilitation Act, ADA, and related Utah law.

III. REHABILITATION vs. TERMINATION

An employee who violates the City's drug and alcohol policy is subject to disciplinary action. Although that disciplinary action may include termination of employment, it is the preference of Murray City to seek rehabilitation of an employee after a first violation. Nothing in this policy shall be construed to require the City to offer rehabilitation in all cases of a first time violation. Each case shall be examined on its own facts and the result will be based on that analysis. Depending upon the mitigating and aggravating factors in a given case, termination of employment may be entirely justified, when based upon the recommendation of the employee's department and division head. However, upon a second violation at any time during the employee's employment with the City, termination of employment shall result.

IV. RESPONSIBILITIES

A. Human Resource Department shall implement this policy. This action shall include thorough discussion of Murray City drug and alcohol screening policy; training department and division heads and supervisors to focus on job performance and safety and recognize signs of drug and alcohol abuse; training supervisors on referral procedures; and monitoring compliance with Federal and State disability laws; monitor rehabilitation; assist departments as appropriate in reviewing and implementing disciplinary and rehabilitation referral actions; recommend, review and approve treatment facilities; and advise departments on referral procedures, including a general explanation of employee health insurance benefits which may be available.

B. Department and division heads shall inform supervisors of their responsibilities in implementation of this policy. Specifically, supervisors shall be directed to recognize job performance and safety deficiencies which may be related to drug and alcohol abuse problems, and to document facts and observations which lead to reasonable suspicion that an employee is violating this policy.

C. Department and division heads, with the assistance of the Human Resource Department, shall conduct an orientation with all employees. The orientation shall include a thorough discussion of this policy; restrictions on drug and alcohol possession and use; availability of counseling and treatment, including both voluntary and departmental referrals to psychological services and rehabilitation facilities; and disciplinary actions which may result from violation.

D. Each City employee shall refrain from the use of illegal drugs and alcohol, and shall not misuse prescription drugs which affect safety or job performance; refrain from the possession of illegal drugs or alcohol in the buildings, vehicles or other property of the City; and enter into a written rehabilitation agreement and pursue and complete rehabilitation for a drug or alcohol abuse problem that affects job performance or safety, if required as a condition of continued employment with the City.

Any City employee working in a safety-sensitive position shall immediately inform his or her supervisor if that employee has started the use of any prescription or over-the-counter medication, concerning which the employee has received a written or verbal admonition that the medication in question does or may cause drowsiness, and which cautions against operation of machinery or motor vehicles while taking that medication.

V. DEFINITIONS

Abuse/misuse - Drug abuse is the use of either an illegal substance or a controlled substance obtained without a prescription for other than medicinal purposes; drug misuse is the inappropriate use of alcohol or prescription drugs. Use of a drug means the presence of a drug or alcohol, or their respective metabolites, in the body.

Alcohol and Drug Screening Test - A generally accepted and proven test methodology as recommended by the laboratory and medical experts selected by the City, consisting of two tests, a screening test and a confirmation test, of the blood, breath or urine, or any combination thereof. Tests may be administered for either or both drugs and alcohol as provided in this policy, and may consist of any or all of the test methodologies available to the City.

Alcohol Content - The amount of alcohol in a volume of breath, expressed in terms of grams of alcohol per 210 liters of breath; or the amount of alcohol in a volume of blood expressed in terms of grams of alcohol per deciliter.

Chemical screening test - Same as Alcohol and Drug Screening Test

Controlled substances - Substances whose sale is controlled by federal and/or state law, including all prescription medications and alcohol.

Evidential Breath Testing Device - A device approved by the National Highway Traffic Safety Administration for the evidential testing of breath and placed on NHTSA's Conforming Products List of evidential breath measurement devices (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

Illegal substances - Chemical substances that have been identified in State and Federal statutes as illegal. For the State of Utah and Murray City, this includes, without limitation, cocaine and its derivatives, amphetamines, heroin, natural and synthetic hallucinogens and marijuana.

Inside Applicant - A present employee voluntarily seeking another City position through promotion or a change in job status.

Outside Applicant - A person who has applied to work regular part or full time for Murray City, including an applicant for a seasonal/temporary position of lifeguard, crossing guards, police cadets and any other such position which requires operation of motor vehicles and/or dangerous equipment, and past employees eligible for rehire.

Positive Test - Alcohol and Drug screening test results that meet or exceed the standards outlined in Addendum A of this policy and procedure.

Reasonable Suspicion - An articulable belief based on documented specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to a pattern of abnormal or erratic behavior; information provided by a reliable and credible source which can be substantiated or corroborated; a reportable work-related traffic or non-traffic accident; direct observation of drug or alcohol use; or the presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

Safety-sensitive positions - All sworn law enforcement personnel; all City employees whose job descriptions require the operation of city-owned vehicles or motorized self-propelled equipment; all City employees who operate city-owned vehicles or motorized self-propelled equipment on a regular weekly basis as an assigned duty for a period of time in excess of six months, regardless of their job descriptions; and all other city personnel so designated from time to time based upon an assessment of the elements of each employee's duties, as determined by the human resource director after consultation with the affected department and division head.

VI. Chemical Screening Testing Categories

A. Final Applicants:

All final inside and outside applicants selected for employment are required to submit to mandatory chemical screening testing of the City's choice.

B. Post-accident Testing:

A city employee who is involved in a traffic accident while driving a motor vehicle on employment-related business shall submit to mandatory chemical screening testing of the City's choice if:

1. That accident results in the death of any person or bodily injury to a person which requires immediate medical treatment away from the scene of the accident; or
2. That employee is cited under state or local law for a moving traffic violation arising from the accident.

- a. For purposes of this category of testing, "accident" means an occurrence involving a City motor vehicle which results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident which requires that vehicle to be towed from the scene of the accident.

A city employee who is involved in any other work-related accident shall submit to mandatory chemical screening testing of the City's choice if that accident results in the death of any person or bodily injury to a person which requires immediate medical treatment away from the scene of the accident.

C. Return-to-duty Testing:

Before a city employee returns to work following a positive test for alcohol exceeding the limits set forth in this policy, that employee shall undergo mandatory return-to-duty chemical screening testing of the City's choice, with confirmed results indicating an alcohol content level of less than .04 percent.

Before a city employee returns to work following a positive drug test, that employee shall undergo a mandatory return-to-duty chemical screening test with negative results for controlled substances.

If the City has reasonable suspicion that the employee has become a multiple-substance abuser during the leave period, that employee may be required to submit to mandatory chemical screening testing for both alcohol and drugs. A report from the employee's EAP treatment counselor may form the basis for reasonable suspicion to require dual testing.

D. Follow-up Testing:

Subsequent to an employee's return to duty following a drug or alcohol related leave of absence, or following the completion of treatment for drug or alcohol abuse, that employee shall submit to mandatory follow-up chemical screening testing of the City's choice during duty hours at least six (6) times during the following twelve (12) months. Upon the recommendation of the employee's EAP treatment counselor, the employee may be required to submit to mandatory follow-up chemical screening testing during duty hours for up to (18) times during the following thirty-six (36) months. Follow-up testing shall be unannounced and is administered as in the case of random testing as provided in this policy.

E. Reasonable Suspicion Chemical Screening Testing.

A city employee is required to submit to chemical screening testing of the City's choice if the employee's supervisor has reasonable suspicion to believe that the employee is under the influence of alcohol or drugs while on duty.

F. Random Chemical Screening Testing for Safety-sensitive Positions Not Covered by CDL Testing Regulations.

Each fiscal year, the city shall administer random chemical screening tests for alcohol to 10% and drugs to 25% of employees in safety-sensitive job assignments which are not otherwise classified under the CDL (Commercial Driver License) testing program. Alcohol screening shall be done by breath testing, though the City may also test for alcohol in samples taken for purposes of the drug screening testing. Employees shall be selected through the use of a computer-based random number generator which shall be provided by an independent entity. As of the date of this policy, that entity is IHC WorkMed, but random number generation may be provided by another entity as the City shall determine.

VII. DRUGS TO BE TESTED

A. When drug and alcohol screening is required under this policy, a test or tests will be given to detect the presence of the following drug groups:

1. Alcohol (ethyl)
2. Amphetamines and methamphetamines (e.g., speed)
3. Cocaine and its metabolites (e.g., crack cocaine)
4. Opiates (e.g., codeine, heroin, morphine, etc.)
5. Phencyclidine (e.g., PCP, angel dust)
6. Cannabinoids and their metabolites (e.g., marijuana, THC, hashish)

B. In addition to the specific drug groups named in paragraph A, the City may also test for the presence of any other controlled substance, if reasonable suspicion exists to believe an employee is impaired due to the use of another controlled substance.

C. Sampling shall occur at the primary or secondary medical facility listed in Addendum A, except in exigent circumstances, in which case samples may be taken at any location by qualified personnel from the primary or secondary facilities. An alcohol breath test shall be administered at the medical facility. Testing of blood and urine samples shall occur at an approved laboratory as set forth in Addendum A. If the City elects to administer a breath test, a blood or urine sample, or both, shall be taken to allow additional testing at the City's discretion, and to allow a second confirmatory test at the request of the employee as provided in Paragraph XXI.

VIII. TESTING PROCEDURES

A. Final Applicant Testing.

The Human Resource Department shall be notified before any department or division head, or other City hiring authority offers employment to a final inside or outside applicant. The

Human Resource Department will then formally offer the job to the applicant contingent upon passing the pre-placement screening test and physical. An alcohol and drug screening test for the applicant, as part of the pre-placement physical will then be scheduled.

The Human Resource Department shall give the applicant a copy of this policy, a consent and release form, and the date of the test appointment. The consent and release must be signed before the employee may be tested.

After receipt of the test results, the Human Resource Department will inform the department or division head of the results. This disclosure is limited to whether the test result is positive or negative, and the information shall be kept confidential by the employee's department or division head and all other City personnel who may be aware of the test results, as provided in this policy.

The Human Resource Department will notify the applicant of a confirmed positive test result.

B. Reasonable Suspicion

The City may require a current City employee to undergo chemical screening testing of the City's choice if the employee's supervisor has reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. Before any testing may occur, the supervisor shall immediately make a verbal report of specific facts, symptoms or observations which formed the basis for determination that reasonable suspicion existed to the employee's department or division head, and to the Human Resource Director or the City Attorney, or their respective designees. As soon as practical, but not later than 24 hours, the supervisor shall fill out a reasonable suspicion observation form, describing the specific facts, symptoms, or observations which formed the basis for the determination that reasonable suspicion existed to justify testing the employee. This written documentation shall be forwarded to the employee's department or division head and to the Human Resource Director.

If an alcohol test required by this method is not administered within two hours following the determination to test, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this method is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Reasonable suspicion chemical screening testing shall be administered only upon observations made just prior to, during, and just after performance of the employee's duties.

Upon a determination that testing is required, the following procedure shall be followed:

1. Prior to giving a sample, the employee shall sign a consent and release form, which shall be provided by the employee's supervisor.

2. The employee will be immediately taken by the supervisor or another supervisor or management employee of the department to the medical facility for sample collection or breath testing.
3. If the employee is not able to be taken to the medical facility for sample collection or breath testing, the supervisor shall immediately telephone the medical facility (any time day or night) and/or call medical personnel from the facility to go to where the employee has been taken to collect the drug and alcohol screening test samples.
4. The employee may be immediately removed from duty and assisted in getting home after the drug and alcohol screening test.
5. The employee may be placed on administrative leave, with pay, until the test results are available and a preliminary administrative review has been conducted.

An alcohol and drug screen test for "reasonable suspicion" includes testing of urine, blood, or breath, or any combination of these tests as determined by the City .

Nothing in this paragraph shall be construed to restrict the City's authority to test a current employee who is an inside applicant selected for employment.

C. Random Testing For Safety-sensitive Positions

Employees subject to random testing will be tested in accordance with the same procedure as is used for testing of applicants selected for employment with the City, except that the test will be unannounced and will be administered without delay. If an employee has an alcohol concentration greater than 0.02 but less than 0.04, the employee will not be allowed to perform any safety-sensitive functions for the City until the start of the next regularly scheduled duty period, but not less than 24 hours after the test administration of the test.

D. Post-accident Testing.

As soon as is practical after an accident, the employee's division or department head shall determine if the event requires testing under this policy. If a test is required, the City shall take the employee to the medical facility for breath testing or sample collection, or both. Samples of either urine or blood, or both, may be obtained as determined by the City. If an alcohol test allowed by this method is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. If a drug test required by this method is not administered within 32 hours following the accident, the City shall cease attempts to administer a drug test, and shall state in the record the reasons for not administering the test.

E. Return To Duty Testing.

As a condition of returning to duty after a violation of this policy, an employee shall be subject to chemical screening testing as determined by the City.

F. Follow-up Testing.

As a condition of returning to duty after a violation of this policy, an employee shall be subject to unannounced follow-up chemical screening testing. The frequency and the period during which the employee is subject to this testing shall be established in writing and shall be provided to the employee. The testing under this method shall be administered as in the case of the random mandatory screening testing described in this policy.

IX. PRIOR NOTICE OF TESTING POLICY

Any prior notice required by this policy, or by statute or ordinance may be provided by any or all of the following means, as determined by the city: personal notice to the employee, employee notices, newsletters, staff meetings and special training or orientation sessions. Such notice shall contain, without limitation, the following information:

1. The need for drug and alcohol testing;
2. The circumstances under which testing may be required;
3. The procedure for confirming an initial positive drug test result;
4. The consequences of a confirmed positive test result;
5. The consequences of refusing to undergo a drug and alcohol test;
6. The right to explain a positive test result and the appeal procedure available; and
7. The availability of drug abuse counseling and initial referral services (ASSIST).

X. NOTICE AND CONSENT

Before a drug and alcohol test is administered, employees and applicants will be required to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know and to the Employee Assistance Program.

XII. REFUSAL TO CONSENT: APPLICANTS

An applicant who refuses to consent to a drug and alcohol screen test will be denied employment with the City. If the applicant is a current City employee, the applicant will be denied employment in the position for which application was made. No denial shall be made without the Human Resource Director first attempting to discuss the refusal with the applicant.

XIII. REFUSAL TO CONSENT: EMPLOYEES

An employee who refuses to consent to a drug and alcohol screen test is subject to disciplinary action, including termination. If a breath test is requested by the City, an employee who fails to provide an adequate breath sample without a valid medical explanation is deemed to have refused to consent to testing. No disciplinary action shall be taken without the Human Resource Director first attempting to discuss the matter with the employee.

XIV. CONFIRMATION OF TEST RESULTS

If a blood or urine chemical screening test yields a positive result, the same sample shall be subjected to a GC/MS confirmation test using a portion of the same test sample given by the employee or applicant for use in the first test. If a breath test for alcohol yields a positive result, a second confirmatory breath test shall immediately be administered using the same breath testing device.

If the GC/MS or a confirmatory breath test confirms the initial positive screening test result, the employee or applicant shall be notified of the results in writing by the Human Resource Director. This notice shall also inform the employee or applicant of the right to obtain a second blood or urine confirmation test as provided in Section XXI. A second confirmatory breath test is not available. The letter of notification shall identify the particular substance found based upon established cutoff limits. In the case of an applicant or employee, a medical review officer's evaluation shall be obtained prior to notification by the Human Resource Director.

An employee or applicant with a confirmed positive blood or urine test may have a retest conducted on the same sample at another laboratory selected by the City, as provided in Section XXI.

XV. CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT

A. Applicants: Outside applicants having confirmed positive test results will be denied employment with the City. Inside applicants may be denied employment in the position for which application was made. Each case will be evaluated according to applicable law, including the Americans With Disabilities Act. All applicants shall be informed if rejection is based on a confirmed positive test result. Employee applicants shall be referred to the City's Employee Assistance Program (ASSIST).

B. Employees: If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination, in accordance with the Murray City Career Service and Civil Service Rules and Regulations. Factors to be considered in determining the appropriate disciplinary response may include the employee's work history, length of employment, current job performance, the circumstances under which the violation was detected, and the employee's past disciplinary record, together with such other factors as may be determined by the City. No disciplinary action should be taken for the sole reason that employees who voluntarily identify themselves as drug users, prior to being called up for a drug/alcohol test or the time their use has otherwise been detected; who obtain counseling and rehabilitation through the City's Employee Assistance Program; and who thereafter refrain from violating the City's drug and alcohol policy. However, this provision shall not restrict the City from taking disciplinary action arising from violations of City conduct rules and standards, including being at work while under the influence of illegal drugs, or alcohol; inability to perform essential functions of the job, etc., or making job reassignments to reduce the risks of accident or injury that may result from the use of alcohol or drugs. Any employee aggrieved by such personnel action, temporary or otherwise, may appeal pursuant to the applicable career service and civil service personnel rules and regulations.

XVI. HEARING

An employee whose confirmation test result is positive, or who was disciplined for refusing to take a test upon request by the City pursuant to this policy, shall be granted a hearing, if requested, in accordance with the grievance and appeal adjudication procedures set forth in the City's Career Service Policies and Procedures and the Civil Service Rules and Regulations.

The scope of the hearing is limited to a review of the facts relating to the determination that the employee be required to submit to chemical screening testing, the reasons for refusing to take the test after being requested to do so, if applicable, and the test results, if any. The employee has the burden of going forward with evidence that this policy has not been correctly administered in the employee's case. The employee may be represented by a person of his or her choice.

The board or commission hearing the appeal shall issue written findings supporting its conclusion whether the employee has shown, by a preponderance of the evidence, that the request that the employee submit to a test was improper or not justified under this policy, that the employee's refusal to submit to testing was justified under this policy, or that the test results, if any, should be not be accepted.

If the board or commission finds that request that the employee submit to testing was not justified or allowed by this policy, or rejects the test results, if any, the employee shall be restored, without prejudice, to the status the employee had or would have had if no action had been taken pursuant to this policy, and any payment of compensation lost as a result of any disciplinary action shall be paid to the employee.

If the board or commission upholds the City's request that the employee submit to testing, or, if applicable, finds that the employee has improperly refused to submit to testing under this policy, and determines that the test results, if any, were properly obtained, the disciplinary order imposed on the employee shall be confirmed.

XVII. MANDATORY REFERRAL TO EMPLOYEE ASSISTANCE PROGRAM

Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the city shall refer the employee to ASSIST for initial assessment, counseling, and rehabilitation. Participation in an approved drug/alcohol rehabilitation program may be required as a condition of continued employment, and the employee may be required to enter into a written rehabilitation agreement with the City. Disciplinary action based on a violation of the City's drug and alcohol screening policy is not automatically suspended by an employee's participation in ASSIST or similar rehabilitation program. Referral to the Employee Assistance Program shall not prevent the City from taking disciplinary action against an employee including the termination of the employee from city employment.

XVIII. CONFIDENTIALITY OF TEST RESULTS

All information from an employee's or applicant's drug and alcohol test is hereby classified as a controlled record as defined in the Governmental Records and Management Act (GRAMA), and only those legally entitled to know may be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant or upon subpoena in accordance with law. Test results will not become part of the employee's personnel file and will be secured in a separate locked file in the human resource department.

XIX. PRIVACY IN DRUG TESTING

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with blue dye to protect against dilution of test samples. The room should not have a sink or access to water of any kind.

XX. LABORATORY TESTING REQUIREMENTS

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a facilities include, without limitation:

1. Sampling procedures which ensure privacy for employees and applicants and which prevent tampering;
2. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive screening test results;
3. Chain-of-custody procedures which ensure proper identification, labeling and handling of test samples; and

4. Retention and storage procedures which ensure reliable results for confirmatory tests of original samples.

XXI. SECOND CONFIRMATION TEST

When the applicant or employee is informed of a confirmed positive test result, he or she shall also be informed of the right to request a second confirmation test of the same blood or urine sample by notifying the Human Resource Director within 72 hours of notification of the positive test results.

The cost of the second confirmation test shall be shared equally by the City and the applicant or employee. If the test is negative, the City shall reimburse the applicant or employee's share of the cost of the test.

The second confirmation test will be performed by another laboratory selected by the City and shall be interpreted by a qualified medical review officer of the City's choice.

XXII. MURRAY CITY RULES AND REGULATIONS NOT SUPERSEDED. CITY'S RIGHT TO AMEND

This policy shall not alter nor supersede any existing grievance or disciplinary procedures established by Civil Service or Career Service rules and regulations. The City reserves the right to amend this policy.

ADDENDUM A

APPROVED MEDICAL FACILITY FOR TAKING OF URINE AND BLOOD SAMPLES FOR CHEMICAL SCREENING TESTS

Primary Medical Facility

IHC WorkMed Occupational Health Clinic
201 East 5900 South, Suite 100
Murray, Utah

Secondary Medical Facility

Workcare
2390 So. Redwood Rd.
Salt Lake City, Utah 84119

Approved Laboratory for Chemical Screening Tests

Lab One
10101 Renner Blvd.
Lenexa, KS 66219

Drug Screening Test

The Enzyme Multiple Immunoassay Technique (EMIT) system shall be used for screening all urine samples. The test procedure shall screen for evidence of any single drug or any combination of drugs listed below. The cutoff limit for the screening test of a specific drug in each class is as follows:

Screening (EMIT) Test

Drug Class	Cutoff Limit
Amphetamines, methamphetamines (speed)	1000 ng/ml
Cannabinoids (marijuana, THC, hashish) and metabolites	50 ng/ml
Cocaine and its metabolites	300 ng/ml
Opiates (Heroin, morphine, codeine, etc.)	2000 ng/ml
Phencyclidine (PCP, Angel Dust)	25 ng/ml

If any specific drug is present at or above the cutoff limit, the screening test is deemed to be positive.

Drug Confirmation Test

Gas chromatography and mass spectrometry (GC/MS) technology shall be used to confirm all positive drug screening test results. The cut off limit for the confirmation of specific drugs in each class is as follows:

DRUG CLASS	SPECIFIC DRUGS OR METABOLITE AS CONFIRMED BY GC/MS	CUTOFF LIMIT
Amphetamines	Amphetamine Methamphetamine	500 ng/ml 500 ng/ml
Cannabinoids	Delta 9 (Tetrahydro-cannabinol THC) 11-nor-9carboxy	15 ng/ml 15 ng/ml
Cocaine	Benzoyllecgonine, a metabolite	150 ng/ml
Opiates	Codeine Morphine Hydrocodone Oxycodone	2000 ng/ml 2000 ng/ml 2000 ng/ml 2000 ng/ml
Phencyclidine (PCP)	Phencyclidine (PCP)	25 ng/ml

If a specific drug meets or exceeds the GC/MS cutoff level, the GC/MS test shall be considered a positive test confirming the positive screen test.

The City may test on a case-by-case basis for controlled substances not listed in the tables. The threshold and confirmation level for each drug so tested shall be established by the City upon the advice of the laboratory or the medical review officer, or both.

Alcohol Screening and Confirmation Test

Screening for alcohol shall use one or more of the following tests, as determined by the City:

- a. Breath testing by an evidential breath testing device; or
- b. Blood test by gas chromatography.

A screening test for alcohol shall be deemed positive if the alcohol content level meets or exceeds .04 percent. A confirmation test will be given if a positive screen test result is obtained.

Confirmation test for alcohol shall consist of one or more of the following tests:

- a. Evidential breath testing device; or
- b. Gas chromatography testing of blood.

A confirmation test result for alcohol shall be deemed positive if the alcohol content level meets or exceeds .04 percent.

**MURRAY CITY CORPORATION
COMMERCIAL DRIVER LICENSE (CDL)
DRUG AND ALCOHOL POLICY**

Revised May, 2005

POLICY STATEMENT

This is to reiterate, and state in a formal way, our policy regarding the use of alcohol and drugs in our work place or off City premises while conducting City business. Employees are expected and required to report to work on time and in suitable mental and physical condition for work. It is our intent and obligation to provide a healthy, safe, and drug-free work environment.

The unlawful manufacture, distribution, possession, or use of a controlled substance and/or alcohol on City premises or while conducting City business off City premises is prohibited. Violation of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The City recognizes alcohol and drug abuse as a potential health and safety issue and encourages employees to seek help. A conscientious effort to seek such help, by itself, will not jeopardize any employee's job. Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of a conviction must be made within five (5) days after the conviction.

DEFINITION

FOR PURPOSES OF THIS POLICY:

EMPLOYEE AND PROSPECTIVE EMPLOYEE DEFINITIONS

- A. "Employee" means any person in the service of the City for compensation who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license requirements of Title 49 Code of Federal Regulations, Part 383.
- B. "Prospective employee" means any person who has made application for employment with the City who will operate a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license requirements of Title 49 Code of Federal Regulations, Part 383.
- C. All employees who are required to have a commercial driver license (CDL) and "perform safety-sensitive functions" are subject to testing under this policy.

SAFETY-SENSITIVE FUNCTIONS, DRIVING TIME DEFINITIONS

- A. "Safety-sensitive functions" means any of those on-duty functions set forth in Title 49 Code of Federal Regulations, Part 395.2 On-Duty Time, Paragraphs (1) through (7). On-Duty Time, Paragraphs (1) through (7) means all time from the time a driver begins to

work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-Duty time shall include:

- (1) All time at a City facility or other public property, or on any private property, waiting to be dispatched, unless the driver has been relieved from duty by the City.
- (2) All time inspecting equipment as required by Title 49 Code of Federal Regulations, Part 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any City motor vehicle at any time;
- (3) All driving time as defined in the term driving time;
- (4) All time, other than driving time, in or upon any City motor vehicle.
- (5) All time loading or unloading a vehicle, supervising or assisting the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time spent performing the driver requirements of Title 40 Code of Federal Regulations, Part 392.40 and 392.41 relating to accidents;
- (7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

1. "Driving Time" means all time spent at the driving controls of a City motor vehicle in operation.

ALCOHOL TESTING DEFINITIONS

1. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. "Alcohol Use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
3. "Alcohol Concentration (or content)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath testing device.
4. "Evidential Breath Testing Device" means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of evidential breath measurement devices (CPL)", "and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs".

5. "Screening Alcohol Test" means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
6. "Confirmation Alcohol Test" means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

DRUG TESTING DEFINITIONS

- a. "Illegal Drugs" means a controlled substance included in Schedule I or II, as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of the Title. The term "Illegal Drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other use authorized by law.
- b. "Drug Test" means analysis of a urine sample for the presence of "illegal drugs" provided by an "employee" or "prospective employee".
- c. "Screening Drug Test" means an immunoassay screen to eliminate "negative" urine specimens for further analysis.
- d. "Confirmation Drug Test" means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy.
- e. "Verified Negative Drug Test" means a drug test result that was negative on an initial FDA approved immunoassay test (screening drug test), and reviewed and verified by the medical review officer in accordance with this plan and the mandatory guidelines under Title 49 Code of Federal Regulations Part 40 - procedures for transportation workplace drug and alcohol testing programs.
- f. "Verified Positive Drug Test" means a test result that was positive on an initial FDA approved immunoassay test (SCREENING DRUG TEST), confirmed by a gas chromatography/ mass spectrometry assay, (CONFIRMATION DRUG TEST), and reviewed and verified by the medical review officer in accordance with this plan and the mandatory guidelines under Title 49 Code of Federal Regulations Part 40 - procedures for transportation workplace drug and alcohol testing programs.

The "screening drug test" and "confirmation drug test" cutoff levels for the "illegal drugs" are listed below.

<u>DRUG</u>	<u>SCREENING CUTOFF</u>	<u>CONFIRMATION CUTOFF</u>
Cannabinoids as Carboxyl-THC (Marijuana)	50 NG/ML	15 NG/ML

Cocaine Metabolites as Benzoylecgonine (Cocaine, Crack)	300 NG/ML	150 NG/ML
Phencyclidine (PCP, Angel Dust)	25 NG/ML	25 NG/ML
Opiates (Codeine, Morphine)	2000 NG/ML	2000 NG/ML
Amphetamine (Amphetamine & Methamphetamine)	1000 NG/ML	500 NG/ML

- g. "Split Urine Sample" means a portion of the urine sample provided by the donor at the time of collection, poured into a separate specimen bottle, sealed in the presence of the donor, and shipped to the primary laboratory. If the primary sample tested positive for the presence of the drug(s) defined in "F. VERIFIED POSITIVE DRUG TEST" the donor can request analysis of the "split sample" if he/she notifies the medical review officer within 72 hours of notification of a positive drug test.

DRUG AND ALCOHOL TESTING DEFINITIONS

- A. **"Pre-employment Testing"** means testing prior to the first time a driver performs safety sensitive functions for the City, the driver shall undergo testing for drugs. The City is not required to administer a controlled substances test if it meets the exceptions for pre-employment testing outlined in Title 40 Code of Federal Regulations, Part 382.301, Pre-Employment testing.
- B. **"Random Test"** means a system of drug and/or alcohol testing imposed without individualized suspicion that a particular individual is using illegal drugs, and may be:
1. A statistically random sampling of such employees based on a neutral criterion, such as social security numbers. The City shall ensure that random alcohol and drug tests conducted under this testing method are unannounced and that the dates for testing are spread reasonably throughout the calendar year.

The minimum annual percentage rate for random illegal drug testing shall be 50 percent of the average number of driver positions.

The minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.

The minimum annual percentage rate for random drug and alcohol testing may be increased or decreased by the Federal Highway Administration based on the reported violation rate for the entire trucking industry.

The City shall require that each driver who is notified of selection for random alcohol and/or drug testing shall be escorted by a supervisor to the collection facility immediately; provided, however, if the driver is performing a safety-sensitive function at the time of notification, the City shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing facility as soon as possible.

A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

- C. **"Reasonable Suspicion Testing"** means drug and/or alcohol testing when the City has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning drug and/or alcohol use. Reasonable suspicion of drug and/or alcohol use shall be based on a specific, contemporaneous event or observation that suggests recent drug and/or alcohol use. Reasonable cause testing shall be obtained only after the covered employee's supervisor or City official (trained in detecting the indicators of drug and/or alcohol use in accordance with Title 49 Code of Federal Regulations, Part 382.603) has reviewed all information, facts, and circumstances leading to and supporting the reasonable cause. A written record shall be made of the observations leading to the reasonable suspicion testing and signed by the supervisor, department/ division head, Human Resource Director, or City Attorney or designee prior to testing. All employees tested under this provision shall be escorted by a supervisor to the collection site and then removed from the covered safety-sensitive position until the results of the drug screen and/or alcohol test are reviewed by at least two of the above designated management officials. **The employee shall be assisted in getting home after they have returned from the collection site.**

Alcohol testing is authorized under reasonable suspicion only if the observations required by this testing method are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance. (On-Duty time). A driver may be directed by the City to undergo reasonable suspicion testing only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. The City shall not take any disciplinary action under this section against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.

- D. **"Post Accident Testing"** means as soon as practicable following an "accident" involving a City motor vehicle, the City shall test for alcohol and drugs any driver:

(1) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) who receives a citation under State or Local Law for a moving traffic violation arising from the accident.

"Accident" means an occurrence involving a City motor vehicle operating on a public road which results in: 1) a fatality; 2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or 3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle (any of the vehicles involved) to be transported away from the scene by a tow truck or other vehicle.

The driver to be tested shall be escorted to the collection site by a supervisor as soon as practical following the accident.

The results of a breath test for the use of alcohol and a urine test for the use of controlled substances conducted by Federal, State, or Local Officials having independent authority for the test, shall be considered to meet the requirements of Title 49 Code of Federal Regulations, Part 382.303, provided such tests conform to applicable federal, state, or local requirements, and that the results of the tests are obtained by the City.

- E. **"Return to Duty Testing"** means drug and/or alcohol testing required before the driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy. The driver shall be escorted to the collection site by a supervisor.

An alcohol test conducted under return to duty testing shall have a result indicating an alcohol concentration of less than 0.02 grams of alcohol per 210 liters of breath.

A drug test conducted under return to duty testing shall have a result indicating a verified negative result.

- F. **"Follow-up Testing"** means testing required following a determination under Title 49 Code of Federal Regulations, Part 382.605(b) that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or illegal drugs. The City shall ensure that the driver is subject to unannounced follow-up alcohol and/or illegal drug testing as directed by a substance abuse professional at least six (6) times during the following twelve(12) months in accordance with the provisions of Title 49 Code of Federal Regulations, Part 382.605 © (2) (ii).

Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions. The driver shall be escorted to the collection site by a supervisor.

OTHER DEFINITIONS

- II **"Supervisor"** means an employee having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove other employees, to adjust their grievances, or to effectively recommend such action.

- II **"Medical Review Officer"** means the individual responsible for receiving laboratory results generated from the City drug testing program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and other relevant biomedical information. The medical review officer shall make the decision when a driver may return to duty following a driver's violation of prohibitions of this policy.

- II **"Employee Assistance Program"** means a counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment. The employee is not responsible for the cost of services for counseling and treatment services provided by the EAP program. Participation in an employee assistance program is voluntary, however, the City may require participation as a condition of continued employment.

- II **"Substance Abuse Professional"** means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (Certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders. The City shall not permit a driver who has engaged in conduct prohibited by 49 Code of Federal Regulations, Part 382, Subpart B and this policy to perform safety-sensitive functions until he/she has been evaluated by a substance abuse professional.

PROHIBITIONS

The following prohibitions reflect Title 49 Code of Federal Regulations, Parts 382.201, 382.204, 382.205, 382.207, 382.209, 382.211, 382.213, and 382.215.

ALCOHOL CONCENTRATION (382.201)

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

ALCOHOL POSSESSION (382.204)

No driver shall be on duty or operate a City motor vehicle while that driver possesses alcohol. No employer having actual knowledge that a driver possesses alcohol may permit that driver to drive or continue to drive a City motor vehicle.

ON-DUTY USE (382.205)

No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

PRE-DUTY USE (382.207)

No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that such a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

USE FOLLOWING AN ACCIDENT (382.209)

No driver required to take a post-accident alcohol test under Title 49 Code of Federal Regulations, Part 382.303, shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST (Illegal Drug Test) 382.211)

No driver shall refuse to submit to a post-accident alcohol or controlled substance (Illegal drugs) test required under Title 49 Code of Federal Regulations, Part 382.303, a random alcohol or controlled substance (Illegal Drugs) test required under Title 49 Code of Federal Regulations, Part 382.305, a reasonable suspicion alcohol or controlled substances (drug) test required under Title 49 Code of Federal Regulations, Part 382.307, or a follow-up alcohol or controlled substances (illegal drugs) test required under Title 49 Code of Federal Regulations, Part 382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. The following examples constitute a refusal to be tested for alcohol and/or controlled substances (Illegal drugs):

BY ALCOHOL TESTING, REFUSAL BY AN EMPLOYEE TO:

1. Sign the breath alcohol form. (Step 2)
2. Provide breath or provide adequate breath without a valid medical explanation.
3. Cooperate with the testing process in a way that prevents the completion of the test.

CONTROLLED SUBSTANCES (ILLEGAL DRUGS), REFUSAL BY AN EMPLOYEE TO:

1. Provide a urine sample.
2. Provide an adequate urine sample without a valid medical explanation.
3. Cooperate with the testing process in a way that prevents the completion of the test.

CONTROLLED SUBSTANCE USE (382.213)

(A) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a City motor vehicle.

(B) No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

C) An employer may require a driver to inform the employer of any therapeutic drug use.

CONTROLLED SUBSTANCES TESTING (382.215)

No driver shall report for duty, remain on duty or perform a safety-sensitive functions, if the driver tests positive for controlled substances (illegal drugs). No employer having actual knowledge that a driver has tested positive for controlled substances (illegal drugs) shall permit the driver to perform or continue to perform safety-sensitive functions.

TESTING

The City intends to test employees and/or prospective employees for the presence of drugs and/or alcohol, in accordance with the provisions of this policy. An employee who refuses to be tested when so required will be subject to the full range of disciplinary action, including dismissal. Attempts to alter or substitute a urine specimen provided will be deemed a refusal to take the drug test when required.

Drug and/or alcohol tests shall be given under the following circumstances:

A. PRE-EMPLOYMENT DRUG TESTING

B. RANDOM DRUG TESTING

C. REASONABLE SUSPICION DRUG TESTING **if an alcohol test required by this method is not administered within two hours following the determination to test, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this method is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test**

D. POST ACCIDENT TESTING** if an alcohol test required by this method is not administered within two hours following the determination to test, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this method is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. If a drug test required by this method is not administered within 32 hours following the accident, the City shall cease attempts to administer a drug test, and shall state in the record the reasons for not administering the test**.

E. RETURN TO DUTY TESTING

F. FOLLOW-UP TESTING

NOTEIf the employee is unable to provide the required quantity of urine (45ML) for testing, the collection site person shall instruct the employee to drink not more than 24 ounces of fluid and, after a period of up to two hours, again attempt to provide a complete sample. If the employee is still unable to provide an adequate specimen, testing will be discontinued, and the City shall be notified. The City shall notify the medical review officer and the medical review officer shall refer the individual for a medical evaluation to determine pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. (In pre-employment testing, if the City does not wish to hire the individual, the medical review officer is not required to make such a referral.) Upon completion of the examination, the medical review officer shall report his or her conclusions to the City in writing.

PROCEDURES USED TO TEST FOR THE PRESENCE OF ALCOHOL AND CONTROLLED SUBSTANCES (ILLEGAL DRUGS)

Alcohol and controlled substances (illegal drug) testing conducted under this policy shall meet or exceed the procedures found in Title 49 Code of Federal Regulations, Part 40, Procedures for transportation workplace drug and alcohol testing programs. A copy of this title shall be maintained by the Human Resource Director and shall be made available to any driver upon request.

POSSESSION

No employee shall have illegal drugs and/or alcohol in their possession while on City premises, or while operating the City vehicle.

CONSEQUENCES FOR DRIVERS ENGAGING IN SUBSTANCE USE-RELATED CONDUCT

REMOVAL FROM SAFETY-SENSITIVE FUNCTIONS

No driver shall perform safety-sensitive functions, including driving a City vehicle, if the driver has engaged in conduct prohibited by this policy: Title 49 Code of Federal Regulations, Part 382, Subpart B - Prohibitions; or an alcohol or controlled substances rule of another DOT agency.

The City shall not permit any driver to perform safety-sensitive functions, including driving a City vehicle, if the City has determined that the driver has engaged in conduct prohibited by this policy; Title 49 Code of Federal Regulations, Part 382, Subpart B - prohibitions; or an alcohol or controlled substances rule of another DOT agency.

For purposes of this section, City vehicle means a commercial motor vehicle as defined in Title 49 Code of Federal Regulations, Part 382.107, and a commercial motor vehicle in Interstate Commerce as defined in Part 390.

REQUIRED EVALUATION AND TESTING

No driver who has engaged in conduct prohibited by this policy; Title 49 Code of Federal Regulations, Part 382, Subpart B - Prohibitions, shall perform safety-sensitive functions, including driving a City vehicle, unless the driver has met the requirements of Title 49 Code of Federal Regulations, Part 382.605

The City shall not permit a driver who has engaged in conduct prohibited by this policy; Title 49 Code of Federal Regulations, Part 382, Subpart B - Prohibitions, shall perform safety-sensitive functions, including driving a City vehicle, unless the driver has met the requirements of Title 49 Code of Federal Regulations, Part 382.605.

OTHER ALCOHOL-RELATED CONDUCT

No driver tested under this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for the City, including driving a City vehicle, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the administration of the test.

Except as provided in this section, the City shall not take any action under this section against a driver solely on test results showing an alcohol concentration less than 0.04.

CITY ACTION

Upon receipt of a verified or confirmed positive drug or alcohol test result which indicates a violation of this policy, or upon the refusal of an employee or prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include the following:

- A. Evaluation by a substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.
- B. A requirement that the employee enroll in a City approved employee assistance program which may include additional drug and alcohol testing, as a condition of continued employment;
- C. Suspension of the employee with or without pay for a period of time;
- D. Termination of employment; It is the preference of Murray City to seek rehabilitation of an employee after a first violation. Nothing in this policy shall be construed to require the City to offer rehabilitation in all cases of a first time violation. Each case shall be examined on its own facts and the result will be based on that analysis. Depending upon the mitigating and aggravating factors in a given case, termination of employment may be entirely justified, when based upon the recommendation of the employee's department and division head.

However, upon a second violation at any time during the employee's employment with the City, termination of employment shall result.

E. Refusal to hire a prospective employee; or

F. Other disciplinary measures in conformance with the City's usual policies and procedures.

The City shall not permit a driver who has engaged in conduct prohibited by Title 49 Code of Federal Regulations, Part 382, Subpart B and this policy to perform safety-sensitive functions until he/she has been evaluated by a substance abuse professional and has completed a return to duty alcohol and/or drug test with negative result.

MEDICAL REVIEW OFFICER RESPONSIBILITIES AND ACTIONS, LABORATORY CONFIRMED POSITIVE DRUG TEST, URINE DRUG SPLIT SAMPLE REQUEST, SPLIT SAMPLE TESTING PROCEDURE.

The medical review officer shall review all urine drug tests generated by this policy in compliance with Title 49 Code of Federal Regulations, Part 40 - procedures for transportation workplace drug and alcohol testing programs.

NEGATIVE DRUG TEST RESULTS

The responsibilities of the medical review officer with respect to negative drug test results are purely administrative.

CONFIRMED POSITIVE DRUG TEST RESULTS

The responsibilities of the medical review officer with respect to a confirmed positive drug test result is to review and interpret the drug test result. In carrying out this responsibility, the medical review officer shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors.

The medical review officer shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the medical review officer's supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the employee. The medical review officer shall talk directly with the individual before verifying a test as positive to discuss the test results with him/her.

If, after making all reasonable efforts and documenting them, the medical review officer is unable to contact the individual directly, the medical review officer shall contact the Human Resource Director who shall direct the individual to contact the medical review officer as soon as possible.

If the individual provides a legitimate explanation for the confirmed positive drug test, verified by the medical review officer, the medical review officer declares the test to be negative.

Following verification of a positive test result, the medical review officer shall notify the individual that he/she has 72 hours from the time of notification to request a test of the split urine sample. If the individual requests an analysis of the split sample within 72 hours of having been informed of a verified positive test, the medical review officer shall direct, in writing, the laboratory to provide the split specimen to the designated secondary laboratory for analysis. If the analysis of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the medical review officer shall cancel the test and report cancellation and the reasons for it to the DOT, the City, and the individual. ****Note**** A request to test the split specimen does not defer the reporting of the verified positive test result to the Human Resource Director.

Following verification of a positive test result, the medical review officer shall, as provided in the City's policy, refer the case to the City's employee assistance program and to the management official empowered to recommend or take administrative action.

Upon receipt of a verified or confirmed positive drug test result which indicates a violation of this policy, the medical review officer shall report the drug screen result to the Human Resource Director with the following statement:

THE ABOVE NAMED DRIVER IS MEDICALLY UNQUALIFIED TO OPERATE A CITY VEHICLE (49 CFR Part 391.95, DRUG USE PROHIBITIONS).

If a driver has been medically unqualified, he/she must be medically qualified and retested before he/she can operate a City vehicle. The medical review officer will consult with the management of the City and the substance abuse professional to make the determination when to retest the individual driver after completion of the evaluation by the substance abuse professional.

SPLIT SAMPLE PROCEDURE

The City shall pay for the cost of the split sample analysis requested by the driver. The sample shall be sent to the City's secondary laboratory as defined by this policy. If the split sample analysis confirms the result of the primary laboratory, the City reserves the right to assess the costs associated with the split sample analysis to the driver requesting the analysis.

RELEASE OF ALCOHOL AND CONTROLLED SUBSTANCES TEST INFORMATION

This section details how and when the City shall release records pertaining to the alcohol and/or controlled substances test conducted under this policy. The release of driver's drug and alcohol test are authorized under Title 49 Code of Federal Regulations, Part 382, Subpart D - Handling of test results, records retention and confidentiality.

A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances test. The Human Resource Director shall promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested (individual drug and/or alcohol test records).

The Human Resource Director shall make available copies of all results for employer alcohol and/or controlled substances testing conducted under this part and any other information pertaining to the employer's alcohol misuse and/or controlled substances use prevention program, when requested by the secretary of transportation, any DOT agency, or any state or local officials with regulatory authority over the City or any of its drivers.

When requested by the National Transportation Safety Board as part of an accident investigation, the Human Resource Director shall disclose information related to the City's administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.

Records shall be made available to a subsequent employer upon receipt of a written request from the driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

The Human Resource Director may disclose information required to be maintained under Title 49 Code of Federal Regulations, Part 382, Subpart D - Handling of test results, record retention and confidentiality, pertaining to a driver, to the decision maker in a lawsuit, grievance, or other proceedings initiated by or on behalf of that driver, and arising from the results of an alcohol and/or controlled substances test administered under this part, or from the City's determination that the driver engaged in conduct prohibited by Subpart B of Part 382 (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding related to a benefit sought by the driver).

The City shall release information regarding a driver's record as directed by the specific, written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

Except as otherwise provided in this policy or federal statute or rule, all records which are created pursuant to this policy and which pertain to an employee are hereby classified as controlled records as provided in the Governmental Records Access and Management Act, Title 63, Chapter 2 of the Utah State Code.

RETENTION OF RECORDS

The Human Resource Department shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.

The Human Resource Department shall maintain the records in accordance with the following schedule:

FIVE YEARS

- A. Records of driver alcohol test results with results indicating an alcohol concentration of 0.02 or greater.
- 2. Records of driver verified positive controlled substances test results.
- III. Documentation of refusals to take required alcohol and/or controlled substances tests.
- IV. Calibration documentation (breath alcohol testing devices)
- V. Driver evaluation and referrals (alcohol and controlled substances).
- VI. A copy of each annual calendar year summary required by Title 49 Code of Federal Regulations, Part 382.403.

TWO YEARS

- II Records relating to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) and training.

ONE YEAR

- 1. Records of negative and canceled controlled substances test results (as defined in Title 49 Code of Federal Regulations, Part 40) and alcohol test results with a concentration of less than 0.02.

TYPE OF RECORDS

All records required under Title 49 Code of Federal Regulations, Part 382, Subpart D - Handling of test results, record retention and confidentiality shall be maintained.

DESIGNATED CITY OFFICIALS

The Human Resource Director or Safety/Health Manager are the City's designated officials to receive drug and alcohol testing results from the medical review officer and breath alcohol technicians conducting tests under this policy. The Safety Health Manager will maintain copies of all training materials, policies, applicable federal regulations, and will be available to answer questions regarding these materials from anyone required to comply with this policy.

Mr. Dale Whittle
Human Resource Director
264-2656

Mr. Glen Sidwell
Safety/Health Manager
264-2658

ALTERNATE DESIGNATED CITY OFFICIAL(S)

Mr. Frank M. Nakamura
City Attorney
264-2640

MEDICAL REVIEW OFFICER

Dr. Mark Anderson
Work Care
2390 S Redwood Road
SLC UT
Telephone Number: 975-1600

SUBSTANCE ABUSE PROFESSIONAL

ASSIST/APS - Mr. Marlin Andrus
5295 S 300 W, Ste 100
SLC UT
261-4006

COLLECTION SITE:

IHC WorkMed Occupational or
201 E. 5900 S. Suite 100
Murray, UT 84107
269-2886

WorkCare
2390 South Redwood Rd.
SLC, UT 84119
975-1600

DRUG TESTING LABORATORIES

PRIMARY LABORATORY:

Lab One
Lenexa, KS

SECONDARY LABORATORY (Second SAMHAS-Certified Laboratory for Testing split samples):

Northwest Toxicology
Salt Lake City, UT

POLICY EFFECTIVE DATE: January 1, 1995 (Revised 05/2005)